

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

BRIEF MAKING

AND THE

USE OF LAW BOOKS

BY

WILLIAM M. LILE, HENRY S. REDFIELD, EUGENE WAMBAUGH, ALFRED F. MASON, AND JAMES E. WHEELER

EDITED BY

NATHAN ABBOTT

DEAN OF THE LELAND STANFORD JR. UNIVERSITY SCHOOL OF LAW

ST. PAUL, MINN.
WEST PUBLISHING CO.
1906

COPYRIGHT, 1905,
BY
WEST PUBLISHING COMPANY.

LIBRARY OF THE
LELAND STANFORD, JR., UNIVERSITY
LAW DEPARTMENT.

BRIEF MAKING

AND THE

USE OF LAW BOOKS

92276

TABLE OF CONTENTS.

INTRODUCTION.

By William M. Lile.

PART I.

THE BRIEF ON APPEAL.

By Henry S. Redfield.

I. Nature of a Brief.

Page

§ 1. Definition 5
2. Purpose of a Brief 6
3. Necessity for a Brief 7

II. Contents of a Brief.

4. Title 8
5. Preliminary Statement 8
6. Statement of Case 9
7. Specification of Errors 10
8. Brief of Argument 17

III. Preparation of the Brief.

9. Preliminary Study of Case 23
10. Suggestions for the Preparation of a Brief 26

PART II.

HOW TO USE DECISIONS AND STATUTES.

By Eugene Wambaugh.

I. Introduction.

11. The Kinds of Authority—Primary and Secondary—Imperative and Persuasive 68
12. The Four Steps in the Use of All Kinds of Authorities 68
13. Preliminary Points as to Making Notes 70
14. The Distinction Between Statutes and Decisions 71
15. Summary 73

II. Decisions.

(A) *The Doctrine of a Decision.*

		Page
§ 16.	Decision and Opinion	74
17.	The Parts of a Reported Case	74
18.	The Function of a Court and the Weight of a Judicial Decision	75
19.	The Opinion as Distinguished from the Decision	78
20.	To What Extent Does the Opinion as Distinguished from the Decision have Imperative Authority	79
21.	Hypothetical Cases	80
22.	Dicta	82
23.	Unnecessarily Broad Language	83
24.	Two Grounds for Same Decision	84
25.	Two Opposite Holdings at the Same Stage of the Case	85
26.	Several Errors Claimed and None Found	86
27.	Discordant Opinions Agreeing in Result	86
28.	Opinion Ignoring Point	87
29.	No Opinion	88
30.	The Reporter's Syllabus	88
31.	An Example of the Mode of Extracting the Doctrine of a Decision	90

(B) *Circumstances Affecting the Weight of the Doctrine of a Decision.*

32.	The Necessity of Noticing the Circumstances	92
33.	First Group: Circumstances Affecting Thoroughness of Consideration	93
34.	Second Group: Defective Reports	94
35.	Third Group: Later Authorities in Same Jurisdiction	96
36.	Fourth Group: Comments Based on the Jurisdiction of the Court	99

(C) *Last Words as to the Use of Decisions.*

37.	Caution Against Hypercriticism	102
38.	Cases Not Directly in Point Useful by Way of Analogy and Otherwise	103
39.	Summary	104

III. Statutes.

(A) *The General Rules as to the Construction of Statutes.*

40.	Statutes Treated Differently from Decisions	104
41.	The Parts of a Statute	105
42.	The Places Where Statutes are Found	106

Page

§ 43. "Construction" and "Interpretation" Treated as Synonymous 107
44. Two Nontechnical Rules 107
45. Technical Rules of Construction..... 107
46. First Group: Rules of Construction Applicable to all Writings 108
47. Second Group: Rules of Construction Especially Applicable to the Written Law..... 110

(B) *Circumstances Strengthening or Weakening Preliminary Conclusions as to the Real Effect of the Statute.*

48. Necessity for Going Beyond the Rules of Construction.. 114
49. First Group: Mode of Ascertaining Precise Terms of Statute 114
50. Second Group: Validity of Statute..... 115
51. Third Group: Subsequent Legislation..... 115
52. Fourth Group: Construction Already Made..... 115

(C) *Last Words as to the Use of Statutes.*

53. English Statutes..... 117
54. Constitutions and Ordinances..... 117

IV. Conclusion.

55. The Limits Placed upon This Discussion..... 118
56. The Need of Bearing in Mind the Purpose of Law..... 118

PART III.

AMERICAN LAW PUBLICATIONS.

By Alfred F. Mason.

I. Introduction.

57. Depositories of the Law..... 119

II. Books of Primary Authority.

58. Constitutions 122
59. Treaties 123
60. Legislative Enactments..... 124
61. —— Statutes or Session Laws..... 125
62. —— Compilations and Revised Statutes..... 125
63. —— Codes 126
64. —— United States Statutes..... 126

Page

§ 65. Ordinances, Government Orders and Regulations..... 128
66. Rules of Court..... 128
67. Reports of Judicial Decisions..... 129
68. —— Federal Reports..... 132
69. —— State Reports—Official Series..... 136
70. —— State Reports—Nonofficial..... 136
71. —— Citations 142
72. List of Reports..... 143

III. BOOKS OF SECONDARY AUTHORITY.

73. Text Books..... 161
74. Digests 165

PART IV.

HOW TO FIND THE LAW.

By James E. Wheeler.

75. Introductory 173
76. Theory of Classification..... 176
77. Main Heads of the Law Categorically Arranged..... 183
78. Main Heads of the Law Alphabetically Arranged..... 190
79. Main Heads of the Law Defined..... 195
80. Statements of Facts with Practical Hints on the Proper Way to Look up the Law..... 826

APPENDIX.

Abbreviations of Law Publications..... 837

†

BRIEF MAKING AND THE USE OF LAW BOOKS.

INTRODUCTION.

By WILLIAM M. LILE,
Dean, University of Virginia School of Law.

The failure of the law schools to turn out graduates better prepared for the practical work of the office or court-room is an old and ever recurring theme of complaint from bench and bar. The recent graduate himself, wrestling with his earliest practical problems, is especially prone to lay his troubles at the door of the law school.

Without stopping to inquire in what other directions the law school has come short of its duty to the student, law teachers generally must concede that while a knowledge of law books and their use—in short, brief-making, in its broader sense—is an essential professional acquirement, this field is yet, for the average law-school graduate, a vast waste of uncharted and unexplored territory. Following precedent, the teacher has been content to lay before the student, in the form of lectures, text-books or cases, or these combined, principles of the teacher's own choosing; but little or no necessity for sustaining or combatting a particular proposition by written argument is encountered by the student while in the law school. The result has been that the student enters upon the practice,

possibly with an excellent command of legal principles, yet, as a practitioner, quite as helpless to "make war" for his client as an unarmed soldier to do battle for his country.

The reason for this defect in legal instruction is not far to seek. The courses of instruction, in even the leading law schools, are comparatively brief, and the ground to be covered is practically without limit. The teacher must pick and choose. At best, the law school can supply but a small part of the student's need. Such subjects as are dealt with in statutes, decisions, and text-books—subjects about which lawyers dispute, and for the elucidation of which there are authorities to be consulted—have naturally held the attention of the teacher, in preference to those subjects about which the books speak but sparingly, and which must be learned by observation and practice. Every teacher of law knows the little value of mere oral instruction, howsoever important the matter or expert the instructor, if the substance of the matter taught cannot be placed before the student in a form for subsequent review.

Certainly, instruction in brief-making has not been neglected because of its lack of importance. The lawyer at the bar who knows nothing of legal bibliography beyond his college text-books, or who, with the books in his hands, cannot make an exhaustive examination of the authorities on a given point —who cannot rapidly analyze an opinion and determine the precise points for which it is authority, with doctrine and *dictum* carefully discriminated—lacks much of necessary professional equipment. Indeed, even though an expert in all these, if he still lack the art of making his learning effective in the form of argument and a well constructed brief, his other accomplishments will not save him from defeat at the hands of a less learned but more skilful adversary. If it be

true that in the days of our grandfathers, when books were few and causes were argued largely on principle, the lawyer with one book was a dangerous adversary, it is no less true in modern days, when books are many and judges demand "cases in point" as well as principles, that it is the lawyer with many books and the skill to use them whose briefs win causes in the appellate courts, and furnish material for immortal opinions.

The fair conclusion is, that instruction in brief-making and the use of books has been neglected in the law schools, not because of the intrinsic or comparative unimportance of these branches, but because the necessary material has not been accessible in convenient form. Up to this time, there has been no volume which the teacher might put into the hands of the student as a basis for instruction in this intensely practical department of the profession. The purpose of the present volume is to supply this want, giving the student and young practitioner a working knowledge of the depositories of the law with practical suggestions as to the method of looking up authorities and properly presenting his case to the court. The hope of the authors and publishers is that the volume will awaken an interest in this very important branch of legal instruction, and that the law schools may be able more fully to respond to the demands of the bench and bar, in the direction of the better practical equipment of their graduates.

PART I.

THE BRIEF ON APPEAL.

By HENRY S. REDFIELD,
Professor of Law, Columbia University.

I. NATURE OF A BRIEF.

§ 1. Definition.
2. Purpose of a Brief.
3. Necessity for a Brief.

II. CONTENTS OF A BRIEF.

4. Title.
5. Preliminary Statement.
6. Statement of Case.
7. Specifications of Errors.
8. Brief of Argument.

III. PREPARATION OF THE BRIEF.

9. Preliminary Study of Case.
10. Suggestions for the Preparation of a Brief.

I. NATURE OF A BRIEF.

§ 1. Definition.

In American appellate practice a brief is a document, prepared by counsel as a basis for oral argument of a cause in an appellate court, containing a statement of the manner in which the questions in controversy upon the appeal arise; of the facts of the case so far as they relate to these questions; a specification on the part of the plaintiff in error or appellant of the errors alleged to have been committed by the court below, upon which reversal is asked for; and a brief of the argument, consisting of the propositions of law or fact to be maintained, the reasons upon which they are based, and citation of authorities in their support. In most jurisdictions it is required that the brief shall be printed.

A document bearing the same name, and of the same general character—excepting, of course, the specification of errors—is also used in American practice in courts of first instance, on arguments of contested motions, demurrers, and in other proceedings of a like nature.

An instrument of this character is not in use in England. The procedure of the House of Lords and Judicial Committee requires printed cases to be deposited, but these are no clear guide to the points upon which counsel will rely, are in narrative form, and do not cite authorities;[1] and the document which is known as a brief in the English practice is not one which is used upon appeal, but is prepared by the attorney for each party prior to the trial of the action, is delivered to the counsel for his instruction at the trial or hearing, and contains a short abstract of the pleadings, a clear and concise statement of the case, and a proper arrangement of the proofs, with the names of the witnesses.[2]

§ 2. Purpose of a Brief.

As indicated by the foregoing definition, the primary purpose of a brief is to aid the appellate court in reaching a correct decision.[3]

That court, having no prior knowledge of the case, should, by a properly constructed brief, be fully informed as to the points at issue between the parties, and the facts and law relating to those points. The brief should be so prepared as to minimize the labor of the court in the examination of the record upon which the appeal is heard and determined; it should enable the court to clearly understand

[1] English Law Reporting, by Sir Frederick Pollock, Reports of Amer. Bar Assoc. 1903, vol. 26, p. 370.

[2] Tidd, Pr. (2d Am. Ed.) p. 773.

[3] See Busenbark v. Park, 5 Kan. App. 17, 47 Pac. 324; Rehberg v. Greiser, 24 Mont. 489, at page 491, 63 Pac. 41; Ætna Insurance Co. v. Simmons, 49 Neb. 811, at page 815, 69 N. W. 125; Hebbard v. Haughian, 70 N. Y. 54, at page 60; Heath v. Smelting Co., 39 Wis. 146, at page 159; Benites v. Hampton, 123 U. S. 519, 8 Sup. Ct. 254, 31 L. Ed. 260; City of Lincoln v. Street Light Co., 59 Fed. 756, at page 758, 8 C. C. A. 253.

the contention of counsel; and care and honesty should be exercised in the citation of authorities with the aim of rendering the greatest possible assistance to the court in its efforts to ascertain the rule or rules which should control its decision.

A subsidiary purpose of a brief is to give information to the opposing counsel. It indicates the limits of the oral argument, and should serve to make the same clear, logical, and helpful to the court.[4]

§ 3. Necessity for a Brief.

It is, perhaps, conceivable that exceptionally skillful and learned opposing counsel might, by their oral arguments on appeal, put the court in sufficient possession of the information, which it is the purpose of a brief to furnish, to enable the tribunal to act intelligently, if the action immediately followed the argument; but since the oral argument is only one of the means employed to aid the court in arriving at a correct decision, is sometimes omitted—the case being submitted by counsel on the printed briefs—and is always followed by the deliberation and consultation of the members of the appellate court before a decision is announced, it is evident that a brief is necessary for any intelligent understanding and disposition of the case; and a document in the nature of a brief, whether designated by that particular name or not, is almost universally required in American practice either by statute or by rules of court.[5]

The reason and necessity for the requirement apply equally to the appellant, or plaintiff in error, upon whom the obligation rests of convincing the appellate tribunal that errors have been committed which call for a reversal of the order or judgment of the court below, and to the re-

[4] See Busenbark v. Park, 5 Kan. App. 17, 47 Pac. 324; City of Lincoln v. Street Light Co., 59 Fed. 756, at page 758, 8 C. C. A. 253.

[5] See 3 Cent. Dig. tit. "Appeal & Error," § 3090.

In North Carolina, although the filing of briefs is still left optional with counsel, the court has declared that a brief is always desirable. Alexander v. Alexander, 120 N. C. 472, 27 S. E. 121.

spondent, or defendant in error, upon whom devolves the duty of maintaining that the proceedings below were free from reversible errors; and the statutes or rules of court are generally equally obligatory upon both parties.[6]

Moreover, the requirement, being made for the benefit of the court, cannot be waived by the agreement of parties.[7]

II. CONTENTS OF A BRIEF.

§ 4. Title.

A brief should be properly entitled, the title containing the name of the court in which the brief is to be used, and the names of all the parties to the cause.

§ 5. Preliminary Statement.

In some jurisdictions there is a requirement that there shall be prefixed to the brief of the appellant a concise statement, showing in what court or before what tribunal the action or proceeding was instituted, what relief was sought, the defense interposed, the result in the court or tribunal in which the action or proceeding was commenced, and how the cause was brought into the appellate court.[8] And even in jurisdictions where no such specific rule has been made, the brief of the appellant should properly contain a preliminary statement of this character, which, under the true construction of the requirement considered in the following section, is really an essential part of the "statement of the case."

[6] See, however, Chamberlain v. Lesley, 39 Fla. 452, 22 South. 736, where it is said: "Under our rules a party appellant is in many ways punished for his failure to brief his case, and the rules require an appellee to file briefs with us, though no penalty is provided for his failure to do so."

[7] Disse v. Frank, 52 Mo. 551; Woodward v. Hodge, 24 Mo. App. 677; State v. Burns, 14 Mo. App. 581.

[8] See rule 9, Appellate Division, Third Department, N. Y.; rule 10, Appellate Division, Fourth Department, N. Y.

§ 6. Statement of Case.

The brief of each party must contain a concise statement of the case, so far as essential to an understanding of the questions presented for determination, with the specific reference to the precise place in the record, or case on appeal, where the points discussed may be found,[9] or, as stated in U. S. Sup. Ct. Rule 21, § 2, subd. 1, "a concise abstract, or statement of the case presenting succinctly the questions involved and the manner in which they are raised." 3 Sup. Ct. xii.

This, of course, does not permit a reprint of the whole record as a brief, nor of any considerable portion thereof, but requires a counsel to make a clear and concise statement of what he claims to be the substance of the record, or of so much thereof as is pertinent and material to the questions in controversy in the appellate court.[10] The statement should contain the substance of the pleadings, when questions arise upon them, and also the leading facts established by the evidence, where questions of fact are to be determined.[11]

Failure to comply with this requirement is universally reprobated by the courts, but owing to lack of uniformity in the rules, to difference in attitude of different courts—some inclining to a strict, others to a lax, enforcement thereof—and to equitable considerations in particular cases, the penalty for noncompliance varies from a reprimand and warning,[12] or a disallowance of the expense of printing

[9] Long v. Long, 96 Mo. 180, 8 S. W. 766; Beck v. O'Connor, 21 Mont. 109, 53 Pac. 94; Harrington v. Smith, 25 Mont. 111, 63 Pac. 1036; Silliman v. Kuhn, 142 Pa. 461, 21 Atl. 974; Dunsmuir v. Power Co., 24 Wash. 104, 63 Pac. 1095; Heath v. Smelting Co., 39 Wis. 146; McLimans v. City of Lancaster, 63 Wis. 596, 23 N. W. 689; Lincoln v. Street Light Co., 59 Fed. 756, 8 C. C. A. 253, 19 U. S. App. 431; Elliott, App. Proc. § 440.

[10] McLimans v. City of Lancaster, 63 Wis. 596, at page 610, 23 N. W. 689.

[11] Heath v. Smelting Co., 39 Wis. 146, at page 159.

[12] Beck v. O'Connor, 21 Mont. 109, 53 Pac. 94; Heath v. Smelting Co., 39 Wis. 146.

needless and objectionable matter,[13] to an affirmance of the judgment from which the offending party has appealed,[14] or a dismissal of the case.[15]

§ 7. Specifications of Errors.

Whether the case is brought into the appellate court by writ of error, in accordance with the common-law practice, or by appeal, in accordance with the equity practice, the record upon which the case is heard in the appellate court, and which is prepared by the plaintiff in error or appellant, must contain, either in the assignments of error, when the case is brought to the higher court by writ of error, or in the exceptions, when it is carried up by appeal, a full and precise specification of the errors of which the plaintiff in error or appellant complains, and on account of which he seeks a reversal of the judgment or decision of the lower court. In preparing the assignments of error, or the case and exceptions, all points are naturally specified upon which at the time it seems probable, or even possible, that a claim of error may be successfully urged.

But upon the further study of the case, and the examination of authorities, made necessary in preparing for the argument on appeal, it often appears wise to abandon some of these points, either because it is certain that they are not tenable, or because they are of such minor importance, and the probability of maintaining them is so slight, that the endeavor to maintain them is likely to prejudice the case, and to weaken the force of the argument upon the questions which are decisive.

In order, therefore, that the court and opposing counsel may be informed of the points upon which the plaintiff in error or appellant actually intends to rely, it is required that these points, or alleged errors, should be clearly and

[13] Mast v. Lockwood, 59 Wis. 48, 17 N. W. 543; McLimans v. Lancaster, 63 Wis. 596, 23 N. W. 689.

[14] Long v. Long, 96 Mo. 180, 8 S. W. 766; Harrington v. Smith, 25 Mont. 111, 63 Pac. 1036.

[15] Silliman v. Kuhn, 142 Pa. 461, 21 Atl. 974; Benites v. Hampton, 123 U. S. 519, 8 Sup. Ct. 254, 31 L. Ed. 260.

particularly specified in the brief; and, as a rule, only those which are so specified will be considered.[16]

Supposed errors which are specified in the assignment

[16] Subdivision 2 of section 2 of rule 21 of the Supreme Court of the United States (3 Sup. Ct. xii) may be taken as fairly representative of the rules in force in other jurisdictions upon this point, and requires that the brief shall contain:

"(2) A specification of the errors relied upon, which, in the cases brought up by writ of error, shall set out separately and particularly each error asserted and intended to be urged; and in cases brought up by appeal the specification shall state, as particularly as may be, in what the decree is alleged to be erroneous. When the error alleged is to the admission or to the rejection of evidence, the specification shall quote the full substance of the evidence admitted or rejected. When the error alleged is to the charge of the court, the specification shall set out the part referred to totidem verbis, whether it be instructions given or instructions refused. When the error alleged is to a ruling upon the report of a master, the specification shall state the exception to the report and the action of the court upon it."

Arizona: Daggs v. Field, 52 Pac. 773.

California: Joyce v. White, 95 Cal. 236, 30 Pac. 524.

District of Columbia: Bradshaw v. Stott, 4 App. Cas. (D. C.) 527.

Florida: St. Johns & H. R. Co. v. Shalley, 33 Fla. 397, 14 South. 890.

Indiana: New Albany Gaslight & Coke Co. v. New Albany, 139 Ind. 660, 39 N. E. 462.

Kansas: Busenbark v. Park, 5 Kan. App. 17, 47 Pac. 324, the opinion in which case is as follows:

"We are again compelled to call attention to the rules of this court with reference to the form and subject-matter of briefs filed by plaintiffs in error. In this case the brief consists of seventeen pages, in long primer type, all of which are styled, 'Statement of Case and Assignment of Error.' This certainly cannot be termed 'a concise abstract or statement.' We are unable to find a single specification of error relied upon, set out separately and particularly, while the argument is scattered through and upon each and every page.

"The rule referred to was adopted for the purpose of affording to the court and to counsel the fullest opportunities and best means for the consideration and disposition of cases. Its provisions are not mere suggestions, to be observed, or not, at the pleasure of attorneys; and, where errors are not assigned in the brief of counsel, we cannot search for them. It is true that, if any glaring error to the prejudice of the rights of the plaintiff in error appeared, we might be constrained to notice it; but we have examined the record, which

of errors or exceptions, but not in the brief, will generally be considered as abandoned.[17]

is very voluminous, consisting of nearly five hundred pages, with numerous exhibits, and none such appear.

"The findings of the court are supported by the evidence, and warrant the judgment rendered.

"The judgment will therefore be affirmed."

Minnesota: Woodbury v. Day, 24 Minn. 463.

Missouri: David Adler & Sons Clothing Co. v. Corl, 155 Mo. 149, 55 S. W. 1017; Isaac v. Lumber Co., 47 Mo. App. 30.

See, also, McKensie v. Railway Co., 24 Mo. App. 392, at page 397.

Montana: Charles Schatzlein Paint Co. v. Godin, 24 Mont. 483, 62 Pac. 819; Rehberg v. Greiser, 24 Mont. 487, 489, 63 Pac. 41, in which case it is said at page 491 of 24 Mont., and at page 42 of 63 Pac.:

"Neither in its proper place nor elsewhere is there set out, in accordance with the command of the rule, a specification of errors relied upon. Here and there in the argument may be gleaned the reasons urged for reversal; but the rule requires that the errors specified must be grouped together, and must constitute a division of the brief separate and distinct from the abstract and from the argument. In the respect just mentioned the brief violates the rule as seriously as did the one condemned in Babcock v. Caldwell, 22 Mont. 460, 56 Pac. 1081. In that case it was said that the specification of errors required by the rule is designed to serve the purpose which an assignment of errors accomplished at common law. This was perhaps not entirely accurate. The assignment is the pleading filed by the plaintiff in error in the court to which the cause has been transferred by the writ of error, and is jurisdictional. Its function in the higher court may be likened to the function of the declaration in the lower court, and the joinder in error, which makes the issue, is akin to a plea in general denial. The assignment performs the further office of calling attention to the errors relied on. The specification required by the rule of this court may not be indispensable to jurisdiction. It is, however, essential for the purpose of pointing out with particularity the errors relied upon for reversal, and hence it performs the second office, at least, of the common-law assignment. For convenience, and as an aid to the court in the consideration and determination of appeals, the rule requires that the errors relied upon shall be specified and grouped together after the statement of the case."

And at page 493 of 24 Mont., and at page 43 of 63 Pac.:

"The rule demands that the error intended to be urged must be particularly specified, and without the proper specification the ap-

---

[17] See note 17 on page 15.

But lack of jurisdiction in the lower court will be considered, even though it is not urged in the brief.[18]

And in some cases it is implied that if a supposed error which appears in the assignment of errors or exceptions, but not in the brief, is brought to the attention of the court on oral argument, the same will be considered.[19] It was held, however, in Dodge v. McMahan, 61 Minn. 175, 63 N. W. 487, that this would only be allowed when the respond-

pellant is in no position to demand that any supposed error be considered."

Nebraska: Ætna Ins. Co. v. Simmons, 49 Neb. 811. At page 815 of 49 Neb., and at page 126 of 69 N. W., the decision of the court upon this point is expressed as follows:

"Counsel for plaintiff in error content themselves with a somewhat lengthy and desultory argument upon certain branches of insurance law, and then say: 'The other errors referred to appear seriatim upon the record at pages 1, 5, 6, 7, 10, 11, 12, 14, 21, 27, 33, 34, 48, 49, 52, 58, 59, 66, 90, 102, 108, 109, 116, 119, 124, 135, and 137. A reference to the record we think a sufficient presentation of these various assignments, to which we ask the attention of the court without further argument.' The rule of practice in this court is a very simple one. It requires of a litigant who brings a judgment of a district court here for review on error to specifically state in his petition in error of what action or omission of the district court he complains, and the brief filed should, in addition to a concise statement of the facts of the case, under appropriate headings, allege what particular thing the district court did or refused to do which the litigant claims was erroneous; and, collated under such headings, the litigant should state such arguments and cite such authorities as he deems sustain his contentions. Every judgment brought to this court for review comes surrounded with the presumption of correctness. It is not the duty of this court to search through a record for the purpose of ascertaining if it can find something which the court below did or omitted to do which is error, but the burden is upon the party complaining of the action of the nisi prius court to specifically point out the alleged act complained of, and show that it was probably prejudicially erroneous. Only the actions or omissions of the district court which are so specifically assigned, both in the petition in error and in the brief filed here, can be considered. There remain, then, in this case, to be considered, only two questions, namely: Is the finding of the jury supported by sufficient evidence? Is the judgment rendered the one that should have

[18] See note 18 on page 15.

[19] See note 19 on page 16.

ent waived the objection that the specification did not appear in the brief.

The specification of errors in the brief should set out

been pronounced under the evidence in the case and the law applicable thereto?"

Livingston v. Moore, 2 Neb. (Unof.) 498, 89 N. W. 289.

New York: Pratt v. Strong, 42 N. Y. 53; Nelson v. Village of Canisteo, 100 N. Y. 89, at page 93, 2 N. E. 473; Sutherland v. Rose, 47 Barb. 144.

Oklahoma: Custer County v. Moon, 8 Okl. 205, 57 Pac. 161.

Washington: Perkins v. Mitchell, Lewis & Staver Co., 15 Wash. 470, 46 Pac. 1039; Doran v. Brown, 16 Wash. 703, 48 N. W. 251.

Wisconsin: Weyerhaeuser v. Earley, 99 Wis. 445, 75 N. W. 80.

United States: Benites v. Hampton, 123 U. S. 519, 8 Sup. Ct. 254, 31 L. Ed. 260, in which case Chief Justice Waite, delivering the opinion of the court, says at page 521 of 123 U. S., and page 255 of 8 Sup. Ct. (31 L. Ed. 260):

"The brief contains no specification of errors such as is required by the rule, and there is no statement of the case presenting the questions involved, or the manner in which they are raised. In the argument there is no reference to the pages of the record relied on to support the points which are made. Not only is there a failure to quote the full substance of the evidence admitted or rejected, of which the complaint is made, but even the names of the several witnesses upon whose testimony the objections rest are not mentioned. In short, to get at the matter which is complained of, we must hunt through what is called a 'Proposed Statement on Appeal and Motion for a New Trial,' filling thirty pages of the record, with nothing in the brief to aid us in the search. This we are unwilling to do. In the present crowded state of our docket, we must insist on a reasonable compliance with the rules which have been adopted to facilitate the investigation of cases and help us in our work.

"We therefore dismiss the case, under section 5 of rule 21 (3 Sup. Ct. xii), for want of an assignment of errors and of a brief such as is required by the rules."

City of Lincoln v. Street Light Co., 59 Fed. 756, at page 758, 8 C. C. A. 254, where Circuit Judge Sanborn says with reference to this requirement:

"In our opinion, the strict and careful observance of this rule directs the attention of counsel and the court to the merits of the case presented, to the vital questions at issue, and excludes from their consideration frivolous and immaterial questions. If the rule is observed, the argument of counsel and the consideration of the court are concentrated upon the important questions in controversy, instead of being scattered and dissipated by the argument and consideration of numerous side issues, that, if at all material, are gen-

separately and particularly each error asserted and intended to be urged.[20]

If error is alleged in the admission or rejection of evi-

erally governed by the decision of the main questions, and in this way a just result is more speedily and certainly attained. It often occurs that, through abundance of caution, counsel may assign errors, when they obtain their writ of error, which they find it entirely unnecessary to refer to, and themselves abandon upon reflection, and after an examination of the authorities upon which they intend to rely in the presentation of their case to this court. Every gentleman of the bar understands and appreciates the necessity of concentrating and confining his own attention and investigation, as well as the attention and consideration of the court, to the crucial questions in his case. This rule enables him to accomplish this result after he has carefully examined the authorities and considered the reasons which support his positions, and when he is best prepared to select the errors he deems of importance. This rule should be carefully observed."

See, also, Walton v. Mining Co., 123 Fed. 209, 60 C. C. A. 155.

[17] *Alabama*: Rowland v. Plummer, 50 Ala. 182.

Arizona: Daggs v. Hoskins, 52 Pac. 350.

Florida: Jordan v. Sayre, 24 Fla. 1, 3 South. 329.

Georgia: Brown v. State, 82 Ga. 224, 7 S. E. 915.

Illinois: Rhodes v Rhodes, 172 Ill. 187, 50 N. E. 170; Lewis v. King, 180 Ill. 259, 54 N. E. 330.

Indiana: Louisville & J. Ferry Co. v. Nolan, 135 Ind. 60, 34 N. E. 710.

Iowa: Renwick v. Railway Co., 49 Iowa, 664.

Michigan: Roberts v. Wilkinson, 34 Mich. 129.

Minnesota: Johnson v. Johnson, 57 Minn. 100, 58 N. W. 824; Guiterman v. Saterlie, 76 Minn. 19, 78 N. W. 863.

Montana: Cope v. Mining & Prospecting Co., 1 Mont. 53.

Nebraska: Hedrick v. Strauss, 42 Neb. 485, 60 N. W. 928; Erck v. Bank, 43 Neb. 613, 62 N. W. 67.

New York: Mierson v. New York, 6 Daly, 74.

North Carolina: Merrimon v. Lyman, 124 N. C. 434, 32 S. E. 732.

Oklahoma: Penny v. Fellner, 6 Okl. 386, 50 Pac. 123.

Vermont: Paine v. Webster, 64 Vt. 105, 23 Atl. 615.

Texas: Cooper v. Hiner, 91 Tex. 658, 45 S. W. 554.

[18] Pennsylvania R. Co. v. Railroad Co., 116 U. S. 472, 6 Sup. Ct. 644, 29 L. Ed. 696, where a plea to the jurisdiction of the Circuit Court had been interposed, and overruled by that court; Chief Justice Waite saying at page 473 of 116 U. S., and page 644 of 6 Sup. Ct. (29 L. Ed. 696): "No error has been assigned on this ruling, and it was not referred to on the argument here. We do not, however, feel

[20] See note 20 on following page.

dence, the particular evidence should be designated,[21] by quoting the full substance of the evidence admitted or rejected, as required by rule 21 of the Supreme Court of the United States (3 Sup. Ct. xii), and by similar rules in other jurisdictions, and by a specific reference to the page or folio of the record on appeal where the evidence is to be found.[22]

at liberty to pass it by unnoticed. Counsel may, if they desire to do so, file printed arguments on that question, together with copies of the statutes, the consideration of which is involved."

[19] Ashley v. Martin, 50 Ala. 537; Cumings v. Morris, 3 Bosw. (N. Y.) 560; Landers v. Railroad Co., 13 Abb. Prac. N. S. (N. Y.) 338.

[20] *Colorado*: Bitter v. Lumber & Investment Co., 27 Colo. 120, 59 Pac. 403.

Minnesota: Duncan v. Kohler, 37 Minn. 379, at page 380, 34 N. W. 594. See, also, Woodbury v. Day, 24 Minn. 463.

Missouri: Honeycutt v. Railroad Co., 40 Mo. App. 674, in which case it is said at page 677 of the specifications of errors in the brief: "The next assignment of error is that the court erred in admitting illegal, improper, and irrelevant evidence offered by the plaintiff, against the defendant's objection. The record shows that a number of exceptions were saved by the defendant to the admission of evidence offered by the plaintiff. We do not know which one of these exceptions the defendant intends to bring to our attention by this general assignment of error. It is the duty of counsel, in assigning errors, to point out specifically the error complained of. It is no part of the duty of an appellate court to make a search of the record for possible errors; much less, under a general assignment of error, like this one, to examine all the numerous rulings at the trial to which it might by possibility be supposed to relate. McGarry v. Railway Co., 36 Mo. App. 340, 345; Schultz v. Moon, 33 Mo. App. 329, 338." See, also, the succeeding paragraph in same case.

Montana: Cole v. Ryan, 24 Mont. 122, 60 Pac. 991.

Texas: See Cooper v. Hiner, 91 Tex. 658, 45 S. W. 554; Houston & T. C. R. Co. v. Guisar (Tex. Civ. App. 1894) 27 S. W. 1045.

United States: N. Y. Dry Goods Store v. Brewing Co., 112 Fed. 381, 50 C. C. A. 295.

[21] Moore v. Auge, 125 Ind. 562, 25 N. E. 816; Commissioners of Fulton Co. v. Gibson, 158 Ind. 471, 63 N. E. 982; Hall v. Gallemore, 138 Mo. 638, 40 S. W. 891; Tuttle v. Davis, 48 Mo. App. 9; McKensie v. Railway Co., 24 Mo. App. 392; Ackermann v. Ackermann Schuetzen Verein (Tex. Civ. App. 1900) 60 S. W. 366.

[22] Harrison v. Hedges, 60 Ind. 266; McKeen v. Boord, 60 Ind. 280; Rout v. Woods, 67 Ind. 319; Sanders v. Scott, 68 Ind. 130; Bowman v. Simpson, 68 Ind. 229. See, also, Chicago, St. L. & P. R. Co. v.

And if it is claimed that the verdict or decision rests upon incompetent evidence,[23] or that it is fully supported by competent evidence,[24] the precise evidence upon which these respective contentions are based must be clearly pointed out in the manner above indicated; and the same rule applies where it is claimed that the evidence is insufficient to support the verdict or decision,[25] or that the verdict failed to find upon a given issue.[26]

When objection is urged to the charge of the court, either upon the ground that erroneous instructions were given, or upon the ground that instructions requested were erroneously refused, the instructions in respect to which error is alleged must be set out in the brief in full, and in the very words used on the trial.[27] If the error alleged is in refusing an instruction, the brief should also specifically refer to the evidence in the record which is claimed to justify the same,[28] and, whenever the decision as to whether or not error has been committed in the charge depends upon a consideration of the evidence, such portion of the evidence as pertains to the question should be specified.[29]

§ 8. Brief of Argument.

A brief containing a clear statement of the case and a proper specification of the errors alleged to have been com-

Spilker, 134 Ind. 380, at page 411, 33 N. E. 280, 34 N. E. 218; Eggleston v. Austin, 27 Kan. 245; State v. McCool, 34 Kan. 613, 9 Pac. 618; Moxley v. Haskin, 39 Kan. 653, 18 Pac. 820; Michigan City v. Leeds, 24 Ind. App. 271, 55 N. E. 799; Gregg v. Kommers, 22 Mont. 511, 57 Pac. 92; Filley v. Walker, 28 Neb. 506, 44 N. W. 737.

[23] Congdon v. Olds, 18 Mont. 487, 46 Pac. 261.

[24] Wolverton v. Taylor, 54 Ill. App. 380.

[25] Ruble v. Helm, 57 Ark. 304, 21 S. W. 470; Conger v. Dingman, 98 Wis. 417, 74 N. W. 125. See, also, Kyle v. Craig, 125 Cal. 107, at page 116, 57 Pac. 791.

[26] Stroud v. Palmer, 66 Tex. 129, 18 S. W. 344.

[27] City of Olathe v. Folmer, 9 Kan. App. 881, 57 Pac. 239; Shaw v. Cunningham, 16 S. C. 631; First Nat. Bank of Meridian v. Stephens, 19 Tex. Civ. App. 560, 47 S. W. 832.

[28] Missouri Pac. Ry. Co. v. Kingsbury (Tex. Civ. App. 1894) 25 S. W. 822; Davidson v. Jefferson (Tex. Civ. App.) 76 S. W. 765; Le Roy & W. Ry. Co. v. Crum, 39 Kan. 642, at page 644, 18 Pac. 944.

[29] See Rogers v. Ferris, 107 Mich. 126, 64 N. W. 1048.

mitted by the lower court would give the appellate court the information necessary to an intelligent understanding of the precise questions presented for its determination; but there rests upon counsel for the respective parties the further obligation of assisting the court in reaching a correct decision, and, to meet this obligation in part, and furnish a basis for the more complete assistance to be rendered by the oral argument, the brief of the party must contain what is usually designated a "brief of the argument," which should consist of the points or propositions of law or fact to be discussed, the reasons urged in support of these points, and, where it is possible, a citation of the authorities relied upon in their support. And it is a rule usually followed that the propositions stated in the brief, but which are not thus supported by argument, will not be examined, but will be considered waived, although in some cases it is implied, at least, that such propositions may be passed upon if they are urged and supported on the oral argument, even though reasons and authorities to support them do not appear in the brief.[30] It is submitted, however, that this should not be done, except with consent of opposing counsel.

To entitle a party to have alleged errors considered, he must do more than call attention to them and assert that they are errors. He must state separately the points or propositions which he proposes to maintain, which should indicate wherein each error consists, and must in the brief give reasons to support each proposition.[31]

[30] Ashley v. Martin, 50 Ala. 537, at page 344; Ashman v. Railroad Co., 90 Mich. 567, at page 570, 51 N. W. 645; Landers v. Railroad Co., 13 Abb. Prac. N. S. (N. Y.) 338; Du Bois v. Perkins, 23 Or. 144, 31 Pac. 201.

[31] *Alabama*: Ashley v. Martin, 50 Ala. 537, in which case it is said at page 544:

"It may be proper here to say that the brief of the learned counsel for the appellant does not furnish any authorities from decided cases, or principles laid down in books of credit in the profession, nor reasons of counsel themselves, in support of the errors assigned upon the rejection of evidence offered on behalf of appellant in the court below, and on the various motions on the conduct of the examination of the appellant's witnesses in that court which were decided against the appellant and excepted to. When this is the case it is not enough

The respondent, or defendant in error, must, in like manner, in his brief, not only state clearly and separately each proposition upon which he intends to rely, but also give

to say in argument at the bar, or in the brief of learned counsel, that such and such errors are '*insisted on, and not abandoned.*' They will be considered by this court as abandoned, unless argument of counsel at the bar, or in the brief, on authority of decided cases, or principles from books are adduced in their support. It affords the court no assistance to say such and such an 'assignment of error is insisted on.' It must be insisted on in the proper way; that is, by argument pointing out the purpose and validity of the assignment, or by brief of authorities from decided cases for like purpose, or principles from books of admitted credit."

Arizona: Daggs v. Hoskins (Ariz. 1898) 52 Pac. 350.

California: Gavin v. Gavin, 92 Cal. 292, 28 Pac. 967.

In which case the opinion is as follows:

"The brief of counsel for appellant is substantially a mere recapitulation of the general assignments of error as they appear in the bill of exceptions. It contains frequent general statements, such as that 'the evidence was insufficient to justify the decision,' that 'the court erred' in making certain findings of fact, that the 'court erred in finding certain conclusions of law,' that the 'court erred in making the decree,' etc. But no reasons are given why the court erred, no views are presented as to the questions sought to be raised, and no authorities cited. Under these circumstances, we can hardly be expected to do the work of counsel, and elaborately hunt up and consider what counsel has not argued. Upon a cursory view of the record, we have noticed no material error for which the judgment should be reversed.

"The judgment and order denying a new trial are affirmed."

Florida: Porter v. Parslow, 39 Fla. 50, 21 South. 574.

Illinois: Firemen's Ins. Co. v. Paper & Pulp Co., 161 Ill. 9, 43 N. E. 713, where it is said at page 12 of 161 Ill., and page 714 of 43 N. E.:

"The argument upon the giving and refusing of instructions is nothing more, in effect, than a restatement of the formal assignments of error. Counsel merely states, as to the one instruction given at the request of the plaintiff, that the giving of it was gross error, and, as to each instruction refused, that the refusal was erroneous and harmful, or gross or harmful error, without indicating wherein or why the action was erroneous or in what any of the alleged errors consisted. It is not the duty of the court to search the record for the purpose of bringing to light possible errors which counsel do not perceive and point out, but only to pass upon those which are presented for consideration."

City of Chicago v. Spoor, 91 Ill. App. 472.

Indiana: Collins v. McDuffie, 89 Ind. 562; Robbins v. Magee, 96

the reasons upon which it is based; and it is the universal practice to require both parties to support their proposi-

Ind. 174, at page 177; Watson v. Deeds, 8 Ind. App. 75, 29 N. E. 151; Gates v. Railroad Co., 154 Ind. 338, 56 N. E. 722, the court saying at page 340 of 154 Ind., and page 723 of 56 N. E.: "It is a well-settled rule of appellate procedure that a party, in order to have alleged errors of the trial court considered, must do more than merely call attention to them, and assert that the court erred. He is required to go further, and at least make an attempt to argue or show wherein he claims that the rulings of the court are erroneous; otherwise the errors alleged in respect thereto will be considered as waived." See, also, page 341 of 154 Ind., and page 723 of 56 N. E. (same case).

Kansas: Wheeler v. Jay, 15 Kan. 389; Jackson v. Linnington, 47 Kan. 396, 28 Pac. 173, 27 Am. St. Rep. 300.

Michigan: Ashman v. Railroad Co., 90 Mich. 567, 51 N. W. 645, where it is said at page 570 of 90 Mich., and page 646 of 51 N. W.:

"There are many assignments of error not argued in the brief of defendant's counsel with the statement in such brief, however, that they are not waived because not so argued. The counsel for plaintiff, in their brief, pass such assignments with the remark that they treat them as waived, as they consider that they are entitled, under the rules, to know by appellant's original brief what the position of such appellant is on each assignment upon which it relies for a reversal of the cause. None of these assignments were referred to upon the oral argument. We shall not, therefore, consider them. We are not disposed to go over some 35 assignments to ascertain whether the error alleged in each is well assigned or not, when the counsel for the appellant does not consider them of sufficient importance to point out to us their merit, if they have any; and, under the rules, we think the position of the appellee's counsel is correct, that, if there is no argument in the appellant's brief in favor of the correctness of an assignment, counsel for appellee are not called upon to argue such assignment in their brief; and, although it may be stated that such an assignment is not waived, if the same is not referred to upon the oral argument, where the counsel for appellee may have opportunity to meet such argument as might be made in its favor, this court will treat it as waived."

Mason v. Partrick, 100 Mich. 577, at page 580, 59 N. W. 239.

Missouri: McKensie v. Railway Co., 24 Mo. App. 392, at page 396.

Nebraska: Farmers' Loan & Trust Co. v. Hastings, 96 N. W. 104.

Oklahoma: Carter v. Mining & Lumber Co., 6 Okl. 11, 41 Pac. 356; Jay v. Zeissness, 6 Okl. 591, 52 Pac. 398.

Oregon: Du Bois v. Perkins, 23 Or. 144, 31 Pac. 201.

Texas: Guerguin v. McGown (Tex. Civ. App. 1899) 53 S. W. 585; Missouri, K. & T. Ry. Co. of Texas v. Wells, 24 Tex. Civ. App. 304, 58 S. W. 842.

tions, as far as possible, by citation of authorities.[32] The authorities should be cited in immediate connection with the precise proposition which they are supposed to sustain.[33]

It seems like a reflection upon the profession to be obliged to call attention to the fact that counsel are not allowed, under the pretext of argument, to make this portion of the brief a medium for expressing their feelings or prejudices, by inserting therein criticisms upon the personal character, the professional ability, the conduct or motives, of the trial judge,[34] or charges against the opposing coun-

[32] *Alabama*: Ashley v. Martin, 50 Ala. 537, at page 544, quoted supra.

Florida: Porter v. Parslow, 39 Fla. 50, 21 South. 574.

Indiana: Citizens' Street Ry. Co. v. Trust Co., 19 Ind. App. 402, 49 N. E. 359; Bonnel v. Shirley, 131 Ind. 362, 31 N. E. 64; Peele v. Society, 147 Ind. 543, 44 N. E. 661, 46 N. E. 990.

Kansas: Patterson v. Patterson, 3 Kan. App. 342, 45 Pac. 129.

Missouri: Bauer v. School Dist. 127, 78 Mo. App. 442.

Tennessee: See Thompson v. Watson, 12 Lea (Tenn.) 390.

[33] Honeycutt v. Railway Co., 40 Mo. App. 674, at page 678; Hatch v. Hanson, 46 Mo. App. 323; Missoula Mercantile Co. v. O'Donnell, 24 Mont. 65, 60 Pac. 594, 991, and see Haugh v. Tacoma, 12 Wash. 386, 41 Pac. 173, 43 Pac. 37.

[34] *California*: San Diego Water Co. v. San Diego, 117 Cal. 556, 49 Pac. 582.

Colorado: Diamond Tunnel Gold & Silver Min. Co. v. Faulkner, 17 Colo. 9, 28 Pac. 472.

Illinois: Smith v. Bingman, 3 Ill. App. 65, at page 66; Scroggin v. Brown, 14 Ill. App. 338; Confrey v. Stark, 73 Ill. 187, at page 190.

Iowa: Sax v. Drake, 69 Iowa, 760, 28 N. W. 423.

Kansas: Stager v. Harrington, 27 Kan. 414.

Montana: Brownell v. McCormick, 7 Mont. 12, 14 Pac. 651, in which case it is said at page 18 of 7 Mont., page 653 of 14 Pac.:

"In presenting this case to the court there has been conduct which we must severely condemn. The brief of the appellant contains language attempting to cast reproach upon the proceedings of the court below, and seeking to make it the object of contemptuous wit and ridicule. Argument is the principal purpose of the brief, and this kind of wit and ridicule is not argument. The use of slang phrases and ridiculous language, especially when directed to the proceedings of the court, should have no place in a brief. No character of persons can have a deeper interest in preserving the dignity of the

sel or parties;[35] but unfortunately the cases cited show the necessity of this warning.

It is undoubtedly true that it is the province of counsel to determine for themselves, within reasonable bounds, the line of argument to be pursued in the presentation of causes, and of the court to determine whether or not the questions argued are germane to the propositions involved;[36] but it is equally true that "briefs should be respectful to the court, the parties, and all persons named in them,"[37] and the failure to comply with this rule is universally con-

bench or maintaining the courtesies of an honorable profession than the members of the bar, and they should act accordingly."

Nebraska: Flannagan v. Elton, 34 Neb. 355, at page 357, 51 N. W. 967; Ganzer v. Schiffbauer, 40 Neb. 633, 59 N. W. 98; State v. Kennedy, 60 Neb. 300, 83 N. W. 87.

New York: Schleissner v. Schleissner, 72 App. Div. 492, 76 N. Y. Supp. 577.

Pennsylvania: Matthews' Appeal, 104 Pa. 444, at page 451, where it is said:

"Our attention has been directed to some objectionable and improper language in the appellants' paper book. Objectionable words, hastily spoken in the warmth of oral argument, may often be excused. In printed arguments there is no excuse for language such as we find in this book. The motives of the master are impugned, and he himself is spoken of contemptuously. Especially is this unjustifiable where, as here, the master's report was confirmed by the court. The master is a part of the court. To say that his course of reasoning is contrary to common sense and kin to the utterings of a crank is not criticism on his reasoning, nor relevant to the questions at issue. A majority of this court has determined that this paper book be suppressed."

In this case, however, the offending counsel tendered an apology, the objectionable language was expunged from the brief, and, *by consent of appellee's counsel*, the case was heard on the merits.

Wisconsin: Eureka Steam Heating Co. v. Sloteman, 69 Wis. 398, 34 N. W. 387.

[35] State ex rel. Burbridge v. Call, 41 Fla. 450, 26 South. 1016; Smith v. Bingman, 3 Ill. App. 65, at page 66; Scroggin v. Brown, 14 Ill. App. 338; Stager v. Harrington, 27 Kan. 414; Flannagan v. Elton, 34 Neb. 355, at page 357, 51 N. W. 967; Green v. Elbert, 137 U. S., at page 624, 11 Sup. Ct. 188, 34 L. Ed. 792.

[36] People v. Parks, 26 Colo. 322, at page 323, 57 Pac. 692. See, also, Stager v. Harrington, 27 Kan. 414, at page 418.

[37] Smith v. Bingman, 3 Ill. App. 65, at page 66; Scroggin v. Brown, 14 Ill. App. 338.

demned, is often punished by striking the briefs from the files,[38] and, independently of any direct punishment, will almost inevitably prejudice the case of the counsel who has been guilty of its infraction.[39]

III. PREPARATION OF THE BRIEF.

§ 9. Preliminary Study of Case.

If the foregoing sections of this chapter have served to make clear the necessity of a brief, its purpose, and its contents, it may seem like stating a truism to insist that the first requisite for the preparation of a good brief is a complete mastery by counsel of the facts of the case; and the second, a mastery of the law applicable to the facts.

Nevertheless the necessity of emphasizing this truth will be apparent to any lawyer or student who examines a num-

[38] San Diego Water Co. v. San Diego, 117 Cal. 556, 49 Pac. 582; Diamond Tunnel Gold & Silver Min. Co. v. Faulkner, 17 Colo. 9, 28 Pac. 472; Scroggin v. Brown, 14 Ill. App. 338. Leave was granted in this case to file another brief, the order providing that it should be "couched in decorous language, and respectful in its terms to the judge who tried the cause, the attorneys, and all other persons mentioned therein." Stager v. Harrington, 27 Kan. 414; Anderson v. Cook, 25 Mont. 330, 64 Pac. 873, 65 Pac. 113; Gates v. Parmly, 113 Wis. 147, 87 N. W. 1096; Ganzer v. Schiffbauer, 40 Neb. 633, 59 N. W. 98; State v. Kennedy, 60 Neb. 300, 83 N. W. 87; Schleissner v. Schleissner, 72 App. Div. 492, 76 N. Y. Supp. 577; Eureka Steam Heating Co. v. Sloteman, 69 Wis. 398, 34 N. W. 387; Nephi Irr. Co. v. Vickers, 20 Utah, 310, 58 Pac. 836; Sawdey v. Railway Co., 27 Wash. 536, 67 Pac. 1094; Green v. Elbert, 137 U. S. 615, at page 624, 11 Sup. Ct. 188, at page 191 (34 L. Ed. 792), where the court say: "We regret that we find ourselves compelled to add something further. The printed argument of the plaintiff in error contains many allegations wholly aside from the charges made in his complaint, and bearing reproachfully upon the moral character of individuals, which are clearly impertinent and scandalous, and unfit to be submitted to the court. It is our duty to keep our records clean and free from scandal. The brief of the plaintiff in error will be stricken from the files."

[39] See Confrey v. Stark, 73 Ill. 187, at page 190; Stager v. Harrington, 27 Kan. 414, at page 418; Flannagan v. Elton, 34 Neb. 355, at page 358, 51 N. W. 967; Lau v. Dry Goods Co., 38 Neb. 215, 56 N. W. 954.

ber of briefs, and the failure to recognize it, or at least to base the preparation of the brief upon its recognition, is frequently and justly criticised by the courts.

Without a thorough understanding of the facts of the precise case at bar, no keen discrimination can be made between material and immaterial facts, between those that are controlling and those that are subsidiary, no clear and convincing statement of the case is possible, nor is it possible, without a mastery of the facts, to know with accuracy what rules of law are applicable thereto; and, without a mastery of the law so applicable, the legal propositions upon which counsel must base his contention cannot be clearly apprehended, and therefore cannot be clearly stated in the brief, and many authorities cited in their support will naturally be improperly selected, and not controlling on the vital points of the case. Moreover, without a mastery of both the facts and the law of the precise case, no well-defined theory for its effective presentation can be formulated; and, in the absence of such theory, a properly arranged, logical, and convincing argument in support of the propositions to be maintained is an impossibility. It is also to be noticed that the mastery of the case in all its bearings is needed to enable a counsel to anticipate and be prepared to meet the argument of his adversary.

It would be difficult to improve the following statement of Judge Dillon with reference to the necessity of this preliminary study: "The first essential * * * is a minute study and thorough understanding of the facts and the law of the particular case. Not some other case; *the* case in hand. Cases presenting to superficial observation the same general features are often found, upon more careful scrutiny, to contain elements or to be wanting in elements which make them essentially distinguishable. The same state of facts often gives rise to different principles, depending upon the character of relations of the parties to the controversy. A very common fault is found in the failure to take into consideration *all* the facts upon which the legal duty or liability arises. But perhaps the most difficult function of the lawyer is to determine which of the facts are essen-

tial, and which are nonessential; to eliminate the latter; and to show, against the possible contention of opposing counsel, their immateriality. The facts of a given case may be, and often are, numerous. But many, perhaps a majority of, cases turn upon one or two controlling points. Study and careful discrimination are necessary to select from the mass of facts those that are controlling; to select from the storehouse of the law the legal principles which justly apply to the controlling facts." [40]

To omit this thorough preliminary study is to neglect a duty owed to client and to court, and to invite defeat.

For the purpose of deciding upon the theory to be adopted in the presentation of the case, it is wise, in prosecuting this study, to keep constantly in mind the questions: What is the justice of this case? What are its ethical bearings? For, notwithstanding the broad line of demarcation often existing between legal and ethical rights, the tendency of the courts, as manifested in the decisions of almost every jurisdiction, has been, and is, to narrow that line as much as possible; and the counsel who is satisfied of the intrinsic justice of his cause should adopt such a theory for its presentation, and, in pursuance of the theory, should construct his brief in such a manner as to make this feature

[40] "Practical Hints in the Preparation of Briefs," 14 Am. Law Rec. 53. See, also, "In Marshall's Day and Ours," 3 Col. Law Review, 88, at pages 106 and 107, where Judge Alfred C. Coxe says:

"That the verbosity of the bar is partly responsible for the verbosity of the bench can, I think, be easily demonstrated. In the hurry of modern practice it is seldom that a lawyer takes time to construct such a brief as was common in the days of Marshall. A conglomerate mass of quotations from the evidence, quotations from text-books, and quotations from reports, interspersed by stenographic observations of counsel, is presented to the court under the name of 'brief.' Sometimes two hundred and fifty pages of this undigested matter is handed to an overworked and tired judge, with the knowledge that the mere physical act of reading it will occupy days of his time. Can there be a better illustration of 'man's inhumanity to man'? *It takes hard work, time, and brains to write a perfect brief; but, if this preliminary work were oftener done by the bar, there would be less complaint of the discursiveness of the bench.*" (Italics are mine. Ed.)

prominent; and, if he can convince the court that he is right upon this point, he need not despair of a decision in his favor, even though he may not be able to cite many or any cases which are "on all fours" with the one at bar.[41]

It should also be noted that there is one very serious mistake which is frequently made, and to which Judge Dillon calls special attention, and that is the tendency, in preparing for argument on appeal, to assume that the case is governed by general legal principles, and to ask at the outset if under these principles there is any case in point, instead of first ascertaining if there is any constitutional provision, federal or state, or statutory provision, applicable to the facts of the case, and which takes it out of the operation of the customary rules of law or modifies their operation, and, if there is such a provision, whether or not it has been judicially construed.

If the preliminary study of the case is careful and thorough, this information will be gained, and a mistake of the character indicated will be effectually prevented.

§ 10. Suggestions for the Preparation of a Brief.

The preliminary study having been completed, and a theory of the case having been adopted, the actual preparation of the brief may be commenced. Although no absolute rule can be given as to the order of arrangement of topics, that which is required by rule 21 of the Supreme Court of the United States, and which has been followed above in treating of the contents of the brief, is both a natural and a logical order, and one which in most cases may be wisely adopted.

Statement of case.

In accordance with this rule, the "statement of the case" should immediately follow the title. The framing of the introductory portion of this statement, which shows before what tribunal the action or proceeding was originally insti-

[41] "If the *right and justice* of a case are clear, the counsel may feel assured that, with rare exceptions, right and justice are coincident with the true principles of the law applicable to it. If a legal

tuted, the questions at issue in the lower court, the decision there, and the manner in which the case was brought into the appellate court, ought not to cause much difficulty, nor should it be difficult to make a clear statement of the substance of the pleadings, when the questions arise upon them, as on appeals involving decisions upon demurrers, upon motions relating to the pleadings, and the like; but in a majority of cases a discussion of the facts is necessary, and this necessitates, as part of the statement of the case, a statement of the facts of the case, or of such of them as are essential to the determination of the questions presented to the appellate court for decision. It is to be noticed that it is a statement of facts which is required, not a statement of the evidence by which it is believed the facts are established, although the statement should refer to the place in the record on appeal where the evidence may be found, and it will seldom be necessary or proper to quote any evidence in this portion of the brief.

It is not easy to overestimate the importance of this statement of facts, or the difficulty involved in its successful preparation;[42] but the assertion which is sometimes made,

principle is asserted, which is subversive of justice, it is quite certain either that there is no such principle, or, what is, perhaps, the more common error, the principle, though sound when rightly applied, is inapplicable to the case in hand." Judge Dillon, in "Practical Hints in the Preparation of Briefs," 14 Am. Law Rec. 53.

"It has become almost an adage in New York that it is futile to go to the Court of Appeals with an unconscionable case. The converse of this rule also applies; it is worth while appealing almost every case to the Court of Appeals when the merits are strong, no matter how hopeless the technical position may appear under previous decisions. Experience shows that some theory is apt to be invented or strained under which justice may be done, and so strong is this disposition that even statutes are occasionally made over under the guise of interpretation. A considerable portion of the reversals on appeal are not for error in the proper sense of the term, but are due to out-and-out changes in the law for an equitable result which lower courts did not feel privileged to make." "Hints on Brief Making," Editorial in New York Law Journal, December 2, 1891.

[42] "But if you determine to appeal, when you have got the appeal book into shape make a very careful statement of the facts. This is

that it is the most important portion of a brief, and the most difficult to prepare,[43] should not be accepted without qualification.

The essentials of a good "statement of facts" are accuracy, clearness, and conciseness. Not one of these qualities is likely to characterize a brief in the absence of the thorough preliminary study which has been enjoined; but if, during the prosecution of the preliminary work, an analysis has been made of the evidence, and of the facts established thereby, and a theory of the case has been adopted, and counsel has a fair command of the English language, there is no good reason why all of them should not be present.

It is undoubtedly the well-settled rule that, in the absence of objections by opposing counsel, the statement contained in the brief is presumed to be fair and accurate.[44]

Nevertheless, inaccuracy in the statement of facts, whether arising from mistake or from intentional misstatement, inevitably tends to invalidate the conclusions drawn therefrom; and, irrespective of the ethical considerations which should prevent resort to any such dishonesty, an intention-

far more important than it appears to many lawyers, especially where a case is long and complicated, and where the facts, to be intelligible, must be extracted from a large mass of evidence and grouped together. To suppose the court will do for you what you will not do for yourself, and produce order out of chaos, is a great mistake. You must start with some clear and logical theory as to what the facts really are, for, if your facts do not commend you to the appellate court, it may look with some suspicion on your logical conclusions, however convincing they may be." "On Making a Brief on Appeal," Editorial in New York Law Journal, October 18, 1899.

[43] See "Practical Hints in the Preparation of Briefs," Judge Dillon, 14 Am. Law Rec. 53. In the same article the learned author says, "The importance of a concise but complete statement of a cause is found in the fact that perhaps nine cases out of ten are practically decided when the case is stated."

The truth of this assertion in this extreme form may be questioned, but, having been made by one of such ability and experience, it is very suggestive, and well worthy consideration.

[44] See Elliott, App. Proc. § 443; McElwaine-Richards Co. v. Wall, 159 Ind. 557, 65 N. E. 753; Kelly v. Manufacturing Co., 20 Minn. 88 (Gil. 74); Shanks v. Carroll, 50 Tex. 17, at page 21.

al misstatement or distortion of the facts is almost certain to be discovered by opposing counsel and brought to the attention of the court, with the natural and just result of creating a suspicion of the offending counsel which will surely prejudice his case.

It is believed that no mistake has been made in considering accuracy as the first essential. It is true that the clear conception of the case, which must be the basis of a clear statement thereof, is also necessary for accuracy; but it cannot be said that clearness necessitates accuracy. The more complete and clear the counsel's understanding of the case, the better will he be able to discover how a very slight change in the facts would materially improve his chances of success, and he might readily embody that change in his statement without in the least impairing its clearness or cogency.

To secure clearness requires an orderly and logical plan for the presentation of the facts, a keen apprehension of what facts are material and of the reasons why others are immaterial, the power of selecting and grouping the controlling facts so as to emphasize counsel's theory of the case, a lucidity of style, and a power of condensation.

It is, of course, much easier to enumerate these requirements than to satisfy them, and it has been truly said that he who can "well state the facts is a man of rare ability"; but there is no excuse for a counsel who has obtained a thorough understanding of the case at bar, even though not a man of rare ability, presenting to the court a statement which has no definite plan, which mingles material and immaterial facts, and which is verbose and discursive. Such a statement shows unmistakably his lack of diligence rather than his lack of ability.

With reference to the essential of conciseness a word of caution may not be out of place. It should never be secured at the expense of clearness. Assuming, however, that this latter quality is not sacrificed, a carefully condensed statement of facts is the ideal statement. It saves the court time and labor, and is much more likely, than is a diffuse recital, to make a strong and lasting impression, and prove

convincing in regard to the soundness of counsel's theory of the case.

Specification of errors.

The manner in which errors should be specified in the brief has been sufficiently indicated above (§ 7), and it is only necessary to add that under the rules of the United States courts, and also under those of some of the state courts, the "Specification of Errors" constitutes a distinct portion of the brief, while in other jurisdictions it is customary to have each specification of error appear, in connection with the point or proposition relating thereto, in that portion of the brief which contains the outline of the argument, the brief thus having, irrespective of the formal parts, only two main divisions, viz., "Statement of Case" and "Points."

Argument.

With the exception of the signature of counsel, which should always be appended to a brief, the final portion is that which is sometimes designated as a "Brief of the Argument," and sometimes as "Points," and which contains the propositions upon which counsel relies, his reasons in support thereof, and the authorities upon which his reasons are based, and it is by this portion that he may and should render the greatest assistance to the court.

The form of statement of a point to be commended is that which combines conciseness and perspicuity, and this, of course, presupposes a clear conception of the point desired to be made.

With reference to the arrangement of the points no inflexible rule can be given, but the general principle which should control is that the arrangement ought to be such as to make clear counsel's theory of the case, and to emphasize those points which, according to this theory, are controlling. The propositions on which counsel relies to sustain his theory of the case should be clearly differentiated from each other by the use of appropriate heads and subheads, under each of which a single proposition or modifica-

tion thereof is stated and discussed. These main and subordinate subdivisions, if properly arranged, will present to the court a logical analysis of the argument, showing the various steps in the line of reasoning by which the facts of the case at bar are brought within the legal principles believed to govern them. The consideration of those points which are of sufficient importance to forbid their omission, but which are nevertheless of minor importance, and not immediately connected with those that are controlling, may wisely be postponed until the latter have been fully and forcibly presented; and even then they should be so treated as not to weaken the argument upon the main points, or to divert attention therefrom.

It has already been pointed out that it is not sufficient for counsel to merely state a point, or to state it and cite authorities.[45] If he is not able or willing to give reasons why it should be sustained, he has no right to expect the court to search for them, and has no one but himself to blame if he meets with defeat.

The argument in which he embodies these reasons, and the authorities, if any, upon which they are based, should appear in the brief in immediate connection with the point

[45] § 8, supra.

"One common error may be noted—stating isolated propositions of law, which in the abstract are correct, but totally devoid of practical significance, followed by the citation of lists of authorities. It should never be forgotten that in the majority of cases the chief difficulties of the brief writer are not to prove certain legal propositions, but to show that certain legal propositions are applicable and controlling under the specific facts of the case in hand." "Suggestions and Instructions for Preparing Briefs," Practice Court, Univ. of Mich., Dept. of Law.

"One can readily imagine the feelings of a judge naturally expecting to have his recollection refreshed and the impression he formed [upon oral argument] recalled by the points, if he finds therein nothing but abstract statements of law that have not been questioned since the time of Coke, and a mass of undigested citations. As well might he be presented with a marked copy of a digest. Such a brief shifts from counsel to court the whole burden of sifting and classifying authorities. We have occasionally heard a lawyer boast of having filed a very 'full' brief, when, from the standpoint of utility, it was absolutely empty." "Some Suggestions about Brief Making." Edit. New York Law Journal, January 22, 1891.

in support of which they are offered. In framing the argument, in the brief, two opposing methods are employed. One method requires that the argument should be constructed in as condensed a form as possible, *consistent with a full and clear presentation of counsel's position;* the other requires as complete and elaborate a presentation of the case in the brief as would be given on oral argument. It is submitted that the latter method is not correct in theory, imposes upon the court unnecessary labor, and its adoption is seldom justified, except possibly when the case is submitted on printed briefs, without oral argument.[46] But the effectiveness of the argument in the brief will depend not only upon the cogency of the reasoning, but also upon the authorities which are adduced in its support, and the manner in which they are presented.

The "Use of Decisions and Statutes" is exhaustively treated in another chapter of this book, and the topic will here be considered only in the most general way; that which is said being offered merely as indicating the important rules which should be observed in the selection of authorities, and in their use in the brief.

It is first to be noted, with reference to this feature of the brief, that the problem which confronts counsel to-day

[46] "The aim should be to concentrate and rise above the crude points that were mooted in the first stages of the controversy, and bring all the arts of brevity, conciseness, and severe logic, with the pith and point, to bear on the few real questions which are worth the attention of a court which exists only to settle real doubts." Austin Abbott in the New York Daily Register, quoted in Elliott, App. Proc. p. 375, note 8.

"A brief, so called, should not be in the form of an oral argument, but should present propositions of law supported briefly, clearly, and logically by arguments, fortified by appropriate citations." "Making a Brief on Appeal," Editorial in New York Law Journal, October 18, 1889.

"A brief should contain the skeleton of the argument. Of course, counsel should not fall into the opposite mistake of elaborating the argument as fully or illustrating it as copiously in the points as on the oral discussion in court. But the application of the legal principles supposed to be involved in the special facts of the case should be made clearly and completely." "Suggestions about Brief Making," Editorial New York Law Journal, January 22, 1891.

is very different from that which was faced by his professional brother at the beginning of the nineteenth century. Then the difficulty was to find any authority in point; now it is to select by careful discrimination, from the multitude of cases apparently applicable, such as are actually applicable and are convincing.

In 1801 the reported decisions of the Supreme Court of the United States filled only five hundred pages of the three volumes of reports published by Mr. Dallas, and, adding to these the reported decisions of the courts of the several colonies before the Revolution, and of the states afterward, the whole American case law then existing would not fill ten volumes of the size now issued by the reporter of the United States Supreme Court;[47] and it has also been stated that at that time "the entire body of the English common law was less than the yearly product of the United States at the present day."[48]

At the close of the year 1870 the number of volumes of reports, state and federal, exceeded two thousand.[49] At the beginning of the present century that number had more than doubled, and it now requires, on an average, 150 volumes per annum to contain the decisions of the courts of last resort alone, in addition to which, in many of the states, there are official reports of decisions of the lower courts. To these must be added the statutes, unofficial reports, digests, and text-books; and, although the estimate of "seven hundred and forty volumes put out annually by the law publishers of the United States"[50] may be excessive, the annual increase is enormous.

This summary sufficiently indicates the entire change in the situation which has been effected during the past century; shows the appalling mass of material from which

[47] See article, "Chancellor Kent," by Judge John F. Dillon, 3 Col. Law Review, p. 257: "In Marshall's Day and Ours," by Judge Alfred C. Coxe, 3 Col. Law Review, 88.

[48] "In Marshall's Day and Ours," by Judge Alfred C. Coxe, 3 Col. Law Review, 88, at page 100.

[49] See Ram, Leg. Judgm. (Townshend Ed.) p. 195.

[50] "In Marshall's Day and Ours," 3 Col. Law Review, 88, at page 100.

selection of authorities may be made, and that a proper selection demands great industry and keen discrimination. It should also make clear the fact that, under the circumstances now existing, the necessity is placed upon counsel, as never before, of faithfully performing the duty of making the selection, and thus rendering the labor of the court as light as possible, and that it is useless to expect this task to be performed by the court.

If the point in support of which authorities are to be adduced is supposed to rest upon or be affected by a constitutional or statutory provision, such provision, or so much thereof as is applicable, should be quoted in full in the brief, and the cases, if any, in which the same has been judicially construed, should be brought to the attention of the court. Great care should be exercised to ascertain that the provision relied upon has not been repealed or modified by later constitutional amendment or statutory enactment, for, in the confusion of legislation which exists in many states, it is by no means easy to reach a positive conclusion as to the statutory provisions which are in force on any given subject; and, although constitutional amendments are rarely made, they occur with sufficient frequency to render it unsafe to assume that a constitutional provision once controlling has not been modified.

If there is no constitutional or statutory provision applicable, authorities must be sought for in the reported decisions of the courts; and the selection of decisions for the brief must be controlled by the well-settled rule that although a single "case decided is called a precedent, and is an authority which under many circumstances binds the court to make the same decision in a similar case," [51] and although the court naturally considers itself more firmly bound when there are two or more precedents, nevertheless a decision is not the law, but only evidence of the law,[52]

[51] Ram, Leg. Judgm. (Townshend Ed.) p. 197.

[52] "I hope we shall consider what a decision really is, and treat it accordingly, not, as the law, nor as giving the law, but simply as evidence of the law, and not as conclusive evidence, but only as prima facie evidence, of what the law is. The most elaborate and

and that nothing but that which was necessarily determined by the case is even evidence of the law.

From this rule it follows:

First. That no case should be cited as *directly* supporting a proposition unless the decision rendered in the case cited necessarily rests upon that proposition. That it is considered and discussed therein, and an opinion expressed in favor of the soundness of the proposition, is not sufficient to justify its citation as an authority; and it is only when no cases of this decisive character can be found that expressions of opinion or dicta in support of the proposition found in reported cases may be used in the brief to re-enforce counsel's reasoning, and it should then be clearly indicated that they are employed solely for that purpose, and not as authorities; or, as forcibly stated by another, "a citation of a case under a given proposition ought, unless distinctly otherwise stated, to be equivalent to an implied professional certificate that, in the writer's judgment, the case cited is an express authority in support of such proposition." [53]

Second. The law of the jurisdiction in which the case at bar is pending being the question in controversy, the best evidence of that law is to be found in the reported cases of that particular jurisdiction. These should be first selected.[54] If they are clear, well-reasoned, and decisive, the selection may well be confined to them, for they will have a binding force not possessed by the decisions of other jurisdictions, although the latter may often be considered as direct authorities, owing to the common derivation of a very large portion of our law, and may properly be cited when there are no direct decisions upon the point in the jurisdic-

mature decision of our highest court is but prima facie evidence of the law, for the Legislature may declare it otherwise." Senator Root in Henry v. Bank of Salina, 5 Hill (N. Y.) 535.

[53] "Practical Hints in the Preparation of Briefs," 14 Am. Law Rec. 53, page 56.

[54] "Devote yourself above all to find authorities in your own state, for these are the ones which are controlling, and it must be a very new and strange question upon which you cannot find some light." Mr. Abbott, as quoted in Elliott, App. Proc. p. 377, note 2.

tion where the case is pending, or when the decisions there rendered were made without that careful consideration which is usually necessary to give a case the position of a controlling authority.

If authorities are cited from other jurisdictions, select, when possible, cases decided by the United States Supreme Court, and by those of the state courts of last resort which have an established reputation for learning and ability; and it is always to be remembered that it is the quality, and not the quantity, of authorities that determines their weight.

Before a case is relied upon as an authority and cited in the brief, it should always be carefully traced down to date, to make sure that it has not been overruled by later cases, or so "distinguished" that it is no longer controlling.

Presentation of authorities.

With reference to the general manner in which authorities should be presented, and the advisability of quoting from cases, the following suggestions clearly indicate the practice which should be adopted: "In citing cases which you think are controlling of the question at issue, or which at least fairly sustain your view, give the principal ones fully and clearly; quoting in extenso, when necessary, the parts of the opinion which are exactly in point, and adding to these citations a reference to such other cases as sustain the same proposition. If the reasoning of your authority is somewhat mixed or is complicated with other questions, carefully point out exactly how it is applicable to sustain your position; and, if there are any parts of the case cited apparently in conflict with your own case, carefully distinguish or make clear to the court, if you can, that the conflict is only apparent." [55] Counsel should not be content with a mere statement of the proposition of law and the citation of authorities. Certainly, as to those authorities which he regards as leading and on which he places the most reliance, he should set out the facts sufficiently to show, not only the basis

[55] "On Making a Brief on Appeal," Edit. New York Law Journal. October 18, 1889.

of the decision, but also its applicability to the facts of the case at bar. To these may be added the further suggestion that when, as is often the case, the authorities which will be relied upon by opposing counsel are known or can be anticipated, and you believe they can be distinguished, such authorities should be analyzed and criticised in your brief, and, so far as possible, shown to be inapplicable to the case at bar. [56]

In citing cases, it is always the correct practice to give the names of the parties, as well as the volume and page of the report where the case is to be found, and parallel citations to both "official" and "unofficial" reports should be made when possible.

Use of text-books.

Under present conditions, it can seldom be necessary to resort to text-books to support a proposition, and the number of these which, from the learning and reputation of their authors, have a sufficient standing with the profession to render their statements authoritative, is very small. When, however, it seems advisable to cite a text-book, the name of the author, the title, the edition, if more than one has been published, and the page, should be clearly specified in the brief.

Typography.

The remaining feature of the brief which is of sufficient importance to deserve a few words of comment is its typography. This should be of such a character as to facilitate reference to any portion of the brief, to show clearly the main and subordinate divisions thereof, and to emphasize the more important portions of the argument. These results may be accomplished by a judicious use of heavy-faced type,

[56] The importance of a careful analysis and criticism of authorities supposed to be in opposition is remarkably illustrated by the case of Pym v. Lockyer, 5 Myl. & Cr. 29, Chancery, 1841, although the precise grounds on which certain authorities were there held not to be controlling—inaccuracy of reports—is not now likely to exist. In that case Lord Chancellor Cottenham said: "I cannot but express the satisfaction I have felt at having had the cases so thoroughly examined. I think the profession and the public are much indebted to

italics, spacing, and other accessories of the printer's art; and, although the form of the brief is, of course, a very small matter, as compared with its contents, yet the fact that the effectiveness of the contents is inevitably influenced by the form in which they are presented must not be overlooked.[57]

those whose industry and ability have brought the real state of this question so satisfactorily before me." And the result of the decision was to overthrow a rule which was supposed to have been declared more than a hundred years earlier, and which the Lord Chancellor acknowledged was "generally received in the profession, and laid down in all the text-books of authority, and apparently founded upon the highest authority."

[57] "Among the observations that we have made as we have been slowly wading through the perusal of the briefs of counsel in the Court of Appeals is the observation that there is a good deal of art in the printing of points. Some are greatly superior to others in the mere matter of typography. Many very learned briefs are vexatiously inconvenient of reference because of the want of spacing and emphasis. Judges who desire to refer quickly to a certain part of an argument must be seriously hindered sometimes by this slovenly lack of proper arrangement, by which the pages are closely huddled up, and every observation is on a typographical level with the rest. The points themselves should be printed in a bold, heavy-faced letter, and subordinate matter should be put in capitals, italics, or common type, according to its importance. Every authority should be in a separate line. Generous spacing should be made, and indentation can be put to good use. One brief—and only one—that we have come across, had a line at the top of each page, stating the contents of the page. This is especially useful in referring to summaries of testimony. This matter is just as important as emphasis is in oral argument. One of the ablest lawyers in this state is a great sinner in this respect, and, in perusing his learned arguments, while we always envy his mental powers and his command of case law, we never envy his notions of printing." Editorial Albany Law Journal, volume 43, page 345, presumably written by the late Irving Browne, whose opinion on a question of this character is especially valuable.

Sample Brief.

As a further aid in the preparation of a good brief, there is appended the brief of appellant's counsel in Gonzalez v. Williams, 192 U. S. 1, which complies with the requirements of rule 21 of the United States Supreme Court. The absence of a separate division, entitled "Specification of Errors," is explained by the nature of the case, and the fact that there was involved in the appeal only a single question, which is clearly and specifically brought to the attention of the court in the "Statement of the Case."

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1903.

No. 225.

ISABELLA GONZALEZ,
Petitioner-Appellant,

vs.

WILLIAM WILLIAMS, U. S. Commissioner of Immigration at the Port of New York.

Statement of the Case.

This is an appeal by Isabella Gonzalez from an order of the Circuit Court of the United States for the Southern District of New York dismissing a writ of *habeas corpus* and remanding petitioner-appellant to the custody of the defendant-appellee United States Commissioner of Immigration at the port of New York (Record, fol. 21).

The petition alleged that petitioner, Isabella Gonzalez, was a native-born inhabitant of Porto Rico and was such at the time of the proclamation of the Treaty of Paris (April 11, 1899); that upon arriving from said island of Porto Rico on the 4th day of August, 1902, the said defendant had detained her in custody, prevented her landing and was threatening to return her to Porto Rico (Record, fol. 1).

The return of the defendant to the writ of Habeas Corpus alleged that pursuant to the powers vested in him by the United States Immigration laws he had detained said Gonzalez as an "alien immigrant," in order that she could be returned as such in case it appeared probable that she might become a public charge (Record, fol. 6).

The Circuit Court dismissed the writ on the ground that the petitioner not having been born in the United States nor having ever been naturalized, retained the same status that she had before the cession of Porto Rico by the Treaty of Paris, consequently she was an alien and the Commissioner had jurisdiction to detain or deport her (Record, fols. 15–17).

The sole question here involved is the alienage of appellant.

If she is not an alien the Commissioner admittedly had no jurisdiction and the writ should not have been dismissed.

The law under which the Commissioner acted is as follows:

> Act Cong. March 3, 1891, c. 551, § 1, 26 Stat. 1084 [U. S. Comp. St. 1901, p. 1294] provides:
>
> "That the following classes of aliens shall be excluded from "admission into the United States in accordance with the exist- "ing acts regulating immigration other than those concerning "Chinese laborers: All idiots, insane persons, paupers or per- "sons likely to become a public charge. * * *
>
> "Section 8. That upon the arrival by water at any place with- "in the United States of any *alien immigrants*, it shall be the "duty of the commanding officer and the agents of the steam or "sailing vessel by which they came, to report the name, *nation- "ality*, last residence and destination of every such alien before "any of them are landed. * * * All decisions made by the "inspection officers or their assistants touching the rights of "any alien to land, when adverse to such right shall be final "unless appeal be taken to the Superintendent of Immigration, "whose action shall be subject to review by the Secretary of the "Treasury. It shall be the duty of the aforesaid officers and "agents of such vessel to adopt due precautions to prevent the "landing of any alien immigrant at any place or time other than "that designated by the inspection officers, and any such officer "or agent or person in charge of such vessel who shall either "knowingly or negligently land or permit to land any alien immi- "grant at any place or time," etc. 26 Stat. 1085 [U. S. Comp. St. 1901, p. 1298].
>
> "Section 10. That all aliens who may unlawfully come to the "United States shall, if practicable, be immediately sent back "on the vessel by which they were brought in. * * * 26 "Stat. 1086 [U. S. Comp. St. 1901, p. 1299].
>
> "Section 11. That any alien who shall come into the United "States in violation of law may be returned as by law provided, "etc."

Introduction.

This case is noteworthy in that it involves much more than the liberty of an individual. The answer to the question whether or not petitioner is an alien must settle the status of all the native islanders who were in existence at the time the Spanish possessions were annexed by the United States.

The "Insular Cases" have not determined the question nor are any of the precedents to be found in our history precisely similar to the case of the Porto Rican *ante nati*. This is due to the difference in the nature of our recent acquisitions and those made formerly.

Of the Indian little need be said. Nomad tribes do not long survive the contact with civilization.

The populations taken over from France and Mexico were insignificant in number. They were, moreover, largely of Caucasian race and civilization, and a growing stream of immigration soon made the new lands thoroughly American. Moreover, the two civilizations were in fact equal or nearly so, and the treaties both of Paris (1800) and of Guadalupe Hidalgo (1848), recognized that fact by according to the new inhabitants the rights of American citizens. Thus the problem as to the legal status of the inhabitants of Louisiana and the territory acquired from Mexico was solved or solved itself *ab initio*. The underlying theory upon which both treaties were based was "expansion" rather than "imperialism."

But the problem of to-day cannot be solved either by extermination, as in the case of the Indian, nor by assimilation, as in the case of the few Frenchmen and Spaniards. Neither the methods of Miles Standish nor those of Jefferson will suffice us now. We must move on a heretofore untrodden path and find precedents upon which to base intelligent legislation and administration, not so much in our own history as in that of other nations who have preceded us in attempting to govern non-assimilable peoples.

In such an argument as this we must begin by defining the necessary terms, otherwise we will end as do many legal discussions in having with much clamor demolished a man of straw.

The object is to ascertain exactly what, under existing law, is the constitutional and legal status of the Porto Rican born before April 11, 1899. To call him a citizen when we are in hopeless disagreement as to the meaning of that term will only result in creating added confusion.

If the Circuit Court was correct, then we have to-day a new and seemingly paradoxical legal category of "American Aliens." The object of language is to denote objectively existing facts or relations. What idea the mutually exclusive term "American Aliens" can convey it is difficult to say. The man without a country would thus be transferred from the realm of poetry into the domain of law, since an affirmance of the decision here appealed from would declare the law of the United States, as expounded by its highest tribunal, to be that there exists under the jurisdiction of the United States a

large class of persons who are strangers and aliens here and in every other nation of the globe. There can be nothing in law or in fact to justify or necessitate so extraordinary a result.

Brief of the Argument.

I.—The petitioner-appellant cannot be sent back by the Immigration Bureau unless she is an "alien immigrant." If she does not fall within that class the statute cannot affect her; the Commissioner of Immigration had no jurisdiction, and the writ should have been sustained.

II.—The petitioner is not an alien because on April 11, 1899, she ceased to be a Spanish subject and her allegiance unquestioned, complete and permanent, was transferred to the Government of the United States by the Treaty with Spain proclaimed on that date.

This proposition is demonstrated by the following considerations:

(*a*) Allegiance is determinative of nationality or subjection. Our law of nationality, *i. e.*, the law which determines what persons are American nationals as contradistinguished from foreigners or aliens was derived from and must be examined in the light of the common law. That law makes nationality or subjection dependent upon allegiance.

(*b*) In the United States the tests as to what constitutes "nationality" or "subjection" are the same as the English common law. The problem has here been confused, however, by the use of the word "citizen" in two senses. It is generally and properly used to indicate the holder of political rights or privileges in a State; as has been aptly said of a citizen in a democracy, "one who possesses a homeopathically diluted dose of sovereignty." Such persons may be accurately characterized as active citizens (burghers). The word has also been used in its broad sense as denoting all members of the nation and in this sense it has been considered as identical with subjection at the common law. Such persons may be characterized as passive citizens.

In our history there have been two apparent exceptions to the rule that passive citizenship and subjection are identical, and we have had persons who were neither citizens nor aliens. The free negroes under the Dred Scott decision were held by this Court not to be citizens, even in the general sense, yet they were not aliens but American nationals or subjects because their allegiance, complete and absolute was owing to the United States. Again, the Indian separated from his tribe was not considered a citizen, yet he could not well have been an alien, because he owed no other allegiance than to the United States.

Elk v. Wilkins, 112 U. S. 94, 5 Sup. Ct. 41, 28 L. Ed. 643.
Karrahoo v. Adams, 1 Dill. 344, Fed. Cas. No. 7,614.

The Porto Rican is, therefore, under our law, a subject or national —the only really debatable question being as to whether he is a citizen in the general sense, having the civil rights and status of such or whether he is a mere subject like the free negro and the Indian above mentioned. In no event is he an alien.

III.—The Judge at Circuit based his decision on the ground that the petitioner, not having been born in the United States, nor naturalized by the Treaty, must have retained her original status just as though Porto Rico had not been annexed; consequently, she remained an alien. Granting *arguendo* the premises, the argument is fallacious in assuming that because the petitioner is not a citizen, she is necessarily, and ipso facto an alien—no such alternative exists. The cession changed her allegiance. That fact is indisputable. The shifting of her allegiance changed her status from that of a Spanish national into an American national. The Court below overlooked the fact that there may be and have been subjects who are not citizens, and that the two are not necessarily exclusive terms. Hence his error. The treaty cession, if it did not *naturalize* the petitioner at least *nationalized* her.

IV.—This distinction between grades or classes of subjects or nationals is illustrated in the history of other countries. The French courts have held Algerians to be French subjects, in consequence of the *de facto* annexation of Algeria—although in the absence of legislation or treaty they could not be French citizens.

V.—A broad view of the Treaty leads to the conclusion that the natives were not only nationalized, but collectively naturalized by the cession.

ARGUMENT.

I.

Jurisdiction of the Immigration Commissioner.

The Commissioner could have no jurisdiction unless the petitioner were an alien. This is clearly stated by the learned Circuit Judge in the court below.

> "The only question open for discussion on this application is "whether or not petitioner is an alien. Upon all other questions "the decision of the appropriate immigration officers, when ad- "verse to the admission of the alien is made final, unless re- "versed on appeal to the Secretary of the Treasury. Act Aug. "18, 1894, c. 301, 28 Stat. 390 [U. S. Comp. St. 1901, p. 1303].
>
> "It is true that this Court held to the contrary *in Re Marto- "relli* (C. C.) 63 Fed. 437, following *In re Panzara* (D. C.) 51 Fed. "275, but the Act of 1894 was not before it. The *Martorelli*

"Case was decided in October, 1894, before the statutes of that "year were published" (Rec., fols. 15–17).

II.

The cession of Porto Rico definitely transferred the allegiance of the native inhabitants from Spain to the United States.

The Treaty with Spain of December 10th, 1898, provides that:

"Article II.

"Spain cedes to the United States the Island of Porto Rico "and other Islands now under Spanish sovereignty in the West "Indies, and the Island of Guam in the Marianas or Ladrones."

"Article III.

"Spain cedes to the United States the archipelago known as "the Philippine Islands, and comprehending the Islands lying "within the following line: * * *"

"Article IX.

"Spanish subjects, natives of the Peninsula, residing in the "territory over which Spain by the present treaty relinquishes "or cedes her sovereignty, may remain in such territory or may "remove therefrom, retaining in either event all their rights "of property, including the right to sell or dispose of such "property or of its proceeds; and they shall also have the right "to carry on their industry, commerce and professions, being "subject in respect thereof to such laws as are applicable to "other foreigners. In case they remain in the territory they "may preserve their *allegiance* to the Crown of Spain by making, "before a Court of Record, within a year from the date of the "exchange of ratifications of this treaty, a declaration of their "decision to preserve such allegiance; in default of which dec-"laration they shall be held *to have renounced it and to have "adopted the nationality of the territory in which they may re-"side.*"

"The civil rights and political status of the native inhabitants "of the territories hereby ceded to the United States shall be "determined by the Congress."

The treaty thus definitely accomplishes one legal result, it transfers the sovereignty of Spain over the Islands and their peoples to the United States and with such sovereignty necessarily the allegiance of the people, natives of Spain alone possessing the right to

preserve their Spanish allegiance upon complying with the requirements of the treaty. The Porto Ricans have thus ceased to owe allegiance to Spain and now owe it to the United States. Whatever consequences follow from this fact cannot be avoided. But their allegiance or subjection having been transferred, they necessarily have become United States nationals or subjects. No other conditions are necessary to constitute American nationality.

The islanders cannot be aliens unless they owe allegiance to some other government, and even the most advanced anti-Imperialist will not contend that they are still subject to Spain, however much he may deprecate the making of the Treaty of Paris.

The man without a country is not known to law. Having ceased to be Spanish subjects or nationals, Porto Ricans are no longer aliens and have become United States nationals or subjects.

The treaty actually accomplished a cession of the territory and a transfer of allegiance. It made the territory domestic territory. De Lima *v.* Bidwell, 182 U. S. 1, 21 Sup. Ct. 743, 45 L. Ed. 1041. The reservation as to political status and civil rights cannot change that cardinal fact. The country ceased to be a foreign country, yet Judge Lacombe holds the native inhabitants to be foreigners.

Aliens are merely foreigners residing or sojourning in the United States. An alien is necessarily a foreigner and must owe allegiance to another country.

> "An alien is a foreigner, a person resident in one country but "owing allegiance to another." Ency. Law, Alien.
>
> "Alien, not belonging to the same country, land or govern- "ment or the citizens or subjects thereof; foreign; as alien sub- "jects, enemies, property, shores; wholly different in nature; "foreign; adverse." Webster's International Dictionary.
>
> "Alien, a stranger born; a person born in another or foreign "country as distinguished from a native or natural born subject "or citizen; in English law, one born out of the legiance or al- "legiance of the king; in American law, one born out of the "jurisdiction of the United States. 2 Kent's Com., 50. Alien "and Foreigner are synonymous terms. Spratt's Lessee v. "Spratt, 1 Pet. 343, 7 L. Ed. 171." Burrill's Law Dictionary.

When the Porto Rican ceased to owe allegiance to Spain, it is difficult to see how he could still remain a foreigner. He was an inhabitant of domestic territory. Certainly he occupied a different relation to the United States from that which he had previously sustained. He became subject to its laws and its exclusive sovereignty. These facts must have some significance.

The treaty could not take away his Spanish allegiance, transfer it to the United States and leave him unaffected.

The status of alienage or non-alienage depends upon facts. The facts accomplished by the treaty were none the less facts because the power was reserved to Congress to pass upon the status of the

Islanders. Congress cannot make red men white men, even by Joint Resolution, nor can they make Porto Ricans aliens by calling them such. In order to become aliens they would have to pass under another domination. They might be transferred to Spain or ceded to some other power or given independence, but until then they *are and must remain United States nationals.*

The fact of alienage necessarily involves the idea of a power to whom allegiance is due. But no man or woman can owe the debt of allegiance without an equivalent. Who feels the advantage should also bear the burden, says the old adage; but it is equally true that he who is called to bear the burden should derive some benefit or compensation therefrom. What "commodum" or advantage does the appellant reap from her situation? To whom does she owe allegiance, outside of the United States? What nation in the wide world will raise, nay, will be permitted by us to raise a finger or even a voice in behalf of this woman if she is injured in her property and restrained in her liberty? What flag may she look to in her necessity, outside the flag of the United States? Against what Government or nation may she commit treason? And if she should commit such acts, in Porto Rico, against the sovereignty of the United States as constitute that crime, would she go unwhipped of justice because she had not been naturalized a citizen of the United States?

If it should be claimed that a Treaty alone and without an act of Congress cannot raise her out of her condition as a derelict alien, it is plain that such a claim cannot be sustained. The Treaty became from the date of its ratification the supreme law of the land, and the language here is plain and unequivocal. Spain *cedes to the United States* the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies. This cession, accepted as it was, by the United States, necessarily transferred the sovereignty to this Government. That sovereignty plainly is, as it must be, exclusive of any foreign power.

Either Miss Gonzalez is an undefined waif, on the sea of political uncertainty, or she *belongs* to the United States, and may look to it for protection against injury, for redress where wrong has been done and for assistance where it may be needed against any Government of the earth, Spain included. The new master, viz., the United States, takes her allegiance with a burden, and having deprived her of all claim on the old master, has taken his place.

Other clauses of the Treaty make these considerations even more obvious than they might be if unaided by the terms of that instrument. To some extent, at least, the contracting parties had in contemplation the possible rights of the Spanish citizens who were transferred to a new sovereignty. There is a saving clause allowing an option to *Spanish subjects, natives of the Peninsula,* residing in the territory over which Spain by the Treaty relinquished or ceded her sovereignty. Such residents might *preserve* their allegiance to the Crown of Spain by making before a court of record a dec-

laration of their intention to preserve such allegiance; otherwise they would be held to have renounced it and to have adopted "the *nationality* of the territory" in which they might reside.

> "Manifestly the *nationality of the inhabitants* of territory ac-
> "quired by conquest or cession becomes that of the government
> "under whose dominion they pass subject to the right of election
> "on their part to retain their former *nationality* by removal or
> "otherwise, as may be provided."
>
> Boyd *v.* Thayer, 143 U. S., at page 162, 12 Sup. Ct., at page 882, 36 L. Ed. 103.

This clause may not directly assist Miss Gonzalez, for she is not a native of the Peninsula, and if she were, she has not availed herself of the privilege of filing the necessary declaration within the year. But is it not quite palpable that she has become vested with the same "nationality" as the Spanish native of the Peninsula who has chosen to sever his connection with Spain by failure to file the necessary declaration? It can hardly have been in the contemplation of the parties to the treaty that she and those similarly situated should be without any "nationality" whatever, while other ex-Spaniards assumed by their non-action the nationality of the territory in which they happened to reside. It seems plain that the intention was to make nationality the rule upon which the sole exception engrafted, was that in behalf of the native of the Peninsula. If he was satisfied with the "nationality" of American Porto Rico, he need only abstain from acting at all and the general rule of nationality applied to him.

III.

Allegiance determines Nationality.

(*a*) Nationality, broadly speaking, means simply membership in some political community. In the ancient world it was dependent upon descent (citizenship *jure sanguinis*) the State being based on the clan, *i. e.*, tribal law. The descendant of a citizen was always a citizen wherever born, and the descendant of a foreigner always a foreigner, unless actually naturalized by positive legislation. At Rome the rule was "once a peregrine always a peregrine." The *Jus Sanguinis* thus inherited from the Roman law became the law in Europe, but for obvious historic reasons never took root in England. In that country the rule of *Jus Soli*, *i. e.*, subjection or citizenship because of birth within the King's allegiance and dominion, was the law from the time of the Norman Conquest. As Prof. Pollock says:

> "A foreigner at the head of an army recruited from many
> "lands conquered England, became King of the English and en-
> "dowed his followers with English lands. For a long time after

"this there could be little law against aliens, there could hardly "be such a thing as English nationality" (History of the English Law, vol. I, p. 443).

Thus it came about that by the English law:

"As regards the definition of the two great classes of men "which have to be distinguished from each other, the main rule "is very simple. The place of birth is all important. A child "born within any territory that is subject to the King of Eng- "land is a natural-born subject of the King of England" (*Id.*, p. 441).

Coupled with this rule, which has continued in England to be the law down to the present, was the doctrine of indelible allegiance and consequent denial of the right of expatriation. Hence the rule "once a subject always a subject"—but this doctrine was modified so that the right to change one's allegiance was finally recognized by allowing British subjects to expatriate themselves and aliens to become subjects by letters patent from the Crown or by Act of parliament, *i. e.*, by denization or naturalization.

Thus the sole requisite necessary to constitute a British subject is allegiance or subjection. This subjection, whether due to birth within the King's dominion or to a transfer of allegiance from a foreign sovereignty to English sovereignty, is the one essential requisite for determining the nationality of the individual. Either he owes allegiance to the sovereign or he does not. In the one case he is a subject, in the other he is an alien. It is quite evident that these two categories include all men and leave no middle class.

Whatever number of classifications may exist as to subjects and what rights, civil or political, belong to each class or how diverse may be the privileges accorded by law or treaty to aliens of one nation or another, the English rule leaves no room for quibble as to who are aliens and who are subjects.

It is quite clear that by the common law a change of sovereignty from a foreign domination makes the inhabitants, both *ante nati* and *post nati*, British subjects.

"Naturalization by conquest was the consequence of that "change in the law of war by which the conqueror instead of "gaining captives and slaves and property, obtained dominion "and subjects. This was the law soon after the arrival of the "Normans in England, and was certainly understood to be so as "early as the reign of Henry II, when the people of Ireland be- "came his subjects from the conquest of the island. Lord Coke "mentions in his report of Calvin's Case, among the ways by "which the denization of an alien may be effected—that of con- "quest.

" 'As if the King and his subjects should conquer another " 'kingdom or dominion, *as well ante nati as post nati*, as well

"'they which fought in the field, as they which remained at "'home for the defense of their country, or employed elsewhere, "'are all denizens of the Kingdom or dominion conquered.'" Coke Reports, Part VII, folio 6 * * * "by such operation "of law it is not too much to assert, said Chalmers in 1814, that "there had been acquired to the British Empire since the com- "mencement of the present reign forty millions of subjects." (Chalmers' Colonial Opinions, 668) Lawrence's Wheaton. Appendix, p. 894.

The English rule on the subject is admirably expounded by Lord Mansfield in *Campbell* v. *Hall*, 1 Cowper's Report, 204 (1774). This was an action against the collector of customs of the Island of Grenada to recover certain duties there levied in accordance with a Royal decree. The case thus involved the question as to the power of the Crown over captured territory, Grenada having been captured from the French and Parliament having taken no action in regard thereto.

"The special verdict then states some articles of the capitula- "tion. * * * It next states the 6th Article where to a de- "mand of the inhabitants of Grenada, requiring that they should "be maintained in their property and effects, etc., the answer is "the inhabitants *being subjects* of Great *Britain*, will enjoy their "properties and privileges in like manner as the other, his majes- "ty's subjects, in the other British Leeward Islands; so that "the answer is that *they will have the consequences of their be- "ing subjects*, and that they will be as much subjects as any of "the other Leeward Islands."

Lord Mansfield then states general propositions governing such a case.

"A country conquered by the British Arms becomes a domin- "ion of the King in the right of his crown; and therefore, nec- "essarily subject to the legislature, the Parliament of Great "Britain."

"The 2nd is, *That the conquered inhabitants once received under "the King's protection, became subjects, and are to be univer- "sally considered in that light, not as enemies or aliens.*"

The converse of this proposition is equally true. It is so stated by the eminent English commentator on International Law, Westlake.

"The cession of a British territory, or the acknowledgment "of its independence, causes the loss of their British nationality "by all persons domiciled within it at the date of the cession." Int. Private Law, 208.

Doe *v.* Acklam, 2 B. & C. 779, held that all British subjects in America became aliens on the signing of the treaty recognizing American independence.

In the case of the Stepney Election Petition, 1886, 17 Q. B. D., 54, it was held that Hanoverians, born before the accession of Victoria, were British subjects, *not aliens*, but by the separation of the Crown they became aliens and could not vote in England. Lord Coleridge there said:

> "It has long been settled that while the crowns of the coun-
> "tries, are held by the same persons the inhabitants of the two
> "countries are not aliens in the two countries respectively.
> "* * *"
>
> "The Hanoverian by birth who had needed no naturalization
> "in the life time of William IV needed it when the Hanoverian
> "heir and the successor of that monarch was no longer the sov-
> "ereign of these islands. * * * He became an alien because
> "the sovereign to whom his allegiance was due became a foreign
> "sovereign; * * * The crowns had by accident, been united
> "in one person, but when the union of the crowns came to an end,
> "the union of allegiance ceased too."

Thus the English law both ancient and modern is quite plain. Had Spain ceded Porto Rico to England in the same manner as she did to the United States, no possible doubt could have existed that the native inhabitants were British subjects. No question could have arisen here had it not been for the ambiguous meaning of the term citizen in American law.

The United States Government did not claim until this case arose that the islanders were aliens. The Attorney-General in the Insular cases took the position that they were subjects.

> "To be called an American subject is no disgrace. The term
> "does not imply anything as to the nature or form of the Gov-
> "ernment of which one is a subject. It imports only that a
> "person is within the protection and allegiance,—either perma-
> "nent or temporary—of a particular sovereignty; it may be
> "imperial or it may be republican. *It does not signify in any*
> "*degree the grade or status of citizenship occupied by the person*
> "*within the domestic economy of his sovereign.*"
>
> *"The Insular Cases."* Brief of Atty-Gen., 172.

(*b*) The question as to the meaning of the term citizen and what constitutes citizenship under the United States Constitution and laws, must be examined in the light of the English law.

> U. S. v. Wong Kim Ark, 169 U. S. 655, 18 Sup. Ct. 456, 42 L. Ed. 890.

See also

Minor v. *Happersett*, 21 Wall. 162, 22 L. Ed. 627.
Ex parte Wilson, 114 U. S. 417, 5 Sup. Ct. 935, 29 L. Ed. 89.
Boyd v. *U. S.*, 116 U. S. 616, 6 Sup. Ct. 524, 29 L. Ed. 746.
Smith v. *Alabama*, 124 U. S. 465, 8 Sup. Ct. 564, 31 L. Ed. 508.
Moore v. *U. S.*, 91 U. S. 270, 23 L. Ed. 346.

"The interpretation of the Constitution of the United States "is necessarily influenced by the fact that its provisions are "framed in the language of the English common law and are to "be read in the light of its history."

Justice Matthews in *Smith* v. *Alabama*, 124 U. S. 478, 8 Sup. Ct. 569, 31 L. Ed. 508.

"British subject means any person who owes permanent al- "legiance to the crown" (Dicey Conflict of Laws, 173–177). "*Nationality or Allegiance* in substance depended * * * not "upon the locality of a man's birth, but upon his being born "within the jurisdiction and allegiance of the King of England."

"The term 'citizen' as understood in our law is precisely anal- "ogous to the term 'subject' in the common law, and the change "of phrase has entirely resulted from the change of Govern- "ment." *United States* v. *Wong Kim Ark.*, 169 U. S. at pages 657, 658–664, 18 Sup. Ct. at pages 460, 462, 42 L. Ed. 890.

In a very recent case this Court again said:

"The term 'citizen' in our law is precisely analogous to the "term 'subject' in the common law and the change of phrase has "entirely resulted from the change of government. The sov- "ereignty has been transferred from one man to the collective "body of the people and a 'subject' of the king is now a 'citizen' "of the State."

Hennessy v. Drug Store, 189 U. S., at pages 34, 35, 23 Sup. Ct. at pages 533, 534, 47 L. Ed. 697.

That the terms citizen and subject are at present identical in meaning is clear from *Minor* v. *Happersett*, 21 Wall. 162, 22 L. Ed. 627.

"The very idea of a political community, such as a nation is, "implies an association of persons for the promotion of their "general welfare. Each one of the persons associated becomes "a member of the nation formed by the association. *He owes "it allegiance and is entitled to its protection.* Allegiance and "protection are, in this connection, reciprocal obligations. The "one is a compensation for the other; allegiance for protection "and protection for allegiance.

"For convenience it has been found necessary to give a name

"to this membership. The object is to designate by a title the "person and the relation he bears to the nation. For this pur- "pose the words 'subject,' 'inhabitant' and 'citizen' have been "used and the choice between them is sometimes made to de- "pend upon the form of the government. Citizen is now more "commonly employed, however, and as it has been considered "better suited to the description of one living under a repub- "lican government, it was adopted by nearly all the States upon "their separation from Great Britain, and was afterward adopt- "ed in the Articles of Confederation and in the Constitution of "the United States. *When used in this sense it is understood "as conveying the idea of membership of a nation and nothing "more*" (pp. 165, 166 of 21 Wall. [22 L. Ed. 627]).

As has been tersely said by an eminent publicist:

"The law knows nations only as political communities, as sov- "ereign and independent States. *Nationality*, therefore, as a legal "attribute of persons, is connection with a certain body politic, "membership in a particular State. The members of a State "are called its subjects or citizens. The former term, if prop- "erly construed, is applicable to the people of any nation without "regard to the form of government, for every State is based upon "the relation of its members to its sovereign. But the word "subject has become historically associated with the theories of "feudal and absolute monarchy, and has thus fallen into dis- "favor."

(Encyclopædia Political Science and United States History, article Nationality, by Munroe Smith.)

Mr. Butler in his recent work says that the word nationality is used to "distinguish the people of the United States as a peo- "ple rather than as a race; the people of the United States "forming as they do, a nation, are necessarily composed of many "races—Christian and Mohammedan—Anglo-Saxon, Teutonic "and Latin—Jew and Gentile—all of these, as well as other ra- "cial elements, unite in forming one people as a nation; in this "sense therefore 'nationality' signifies as to the people, the ele- "ment of homogeneity by which all these people are united, re- "gardless of internal and sectional differences, into a great "nation, owing allegiance to a common government as against "all of the other governments of the world."

Butler, Treaty Making Power, p. 16*n.*, vol. I.

Summing up on this point it seems perfectly clear that the transfer of the allegiance of the native inhabitants made them subject to the jurisdiction of the United States; they were no longer foreigners, or aliens, but became subjects or nationals. This is enough for the

purpose of the case, but the matter is of such importance that the question may perhaps be elucidated by inquiring whether, if having ceased to be aliens, they have become citizens or whether they form a class of nationals who are not also citizens.

IV.

The change of allegiance, while it made the Porto Rican born before the cession a national or subject, did not necessarily make him a citizen.

The steps by which the Circuit Judge reached his conclusion that the petitioner was an alien are as follows:

I.—The inhabitants of Porto Rico were aliens prior to the ratification of the Treaty of Paris, April 11, 1899.

II.—As such alien inhabitants they could only become citizens of the United States by naturalization.

III.—The petitioner having been born before the treaty, must show that she has been naturalized. She could invoke no law save the treaty of annexation. But conceding the possibility of collective naturalization by treaty, the Treaty of Paris expressly reserved the "civil rights and political status of the native inhabitants" to the future action of Congress.

IV.—Congress not having legislated as to the naturalization of Porto Ricans, they have not become citizens; *therefore, their original status remains unaffected and they are aliens.* Or to use the learned Judge's exact language:

> "Being foreign born and not naturalized, she remained an "alien and subject to the provisions of law regulating the admis- "sion of aliens who come to the United States" (Record, p. 16).

Thus, according to this decision, there is no middle ground between citizens and aliens, and any one who is not an American citizen is necessarily an alien.

"An American alien" certainly would seem, at least to one unaccustomed to some of the startling paradoxes of the law, a strange and monstrous category. Is it a logical result? We think not, and for the following reasons:

It is true that the ninth clause of the Treaty provides that the civil rights and political status of the native inhabitants of the territories ceded to the United States shall be determined by Congress. But this determination belonged to Congress in any event. It may plausibly be contended that the natives of Porto Rico did not become

"citizens" by virtue of the Treaty, for the Treaty does not in terms make, or profess to make, them such. It would be enough for our purpose that it "nationalizes" them, which may be quite different in its effect from "naturalizing" them.

If there is no difference between a national and an alien it was quite possible to exclude Miss Gonzalez from our country, because she had not gone through the forms of naturalization and renounced her allegiance to some foreign power which she would have found it difficult to name. If she had named Spain, which had rejected and repudiated her, an element of humor might be injected into the case, but would not relieve it of its difficulties.

"The political status and civil rights" having been reserved for the future action of Congress, it is possible to argue that no naturalization has taken place; it has, however, already been shown that the Porto Ricans were nationalized, that is to say, their allegiance transferred, but as nationalization does not necessarily mean naturalization, it may well be that they occupy an intermediate status between citizens of the United States and aliens. In other words, they are certainly entitled to the protection of the government, and, as far as foreign nations are concerned, are Americans, yet they may not be vested with all the rights of citizens of the United States.

What these rights of citizens of the United States are, it is very difficult to determine. The trend of doctrine in the Supreme Court of the United States seems to be that most of the rights of citizenship are under the protection of the States themselves, that civil liberty was not nationalized by the Fourteenth Amendment, and that only such rights as are expressly secured by the Constitution of the United States belong to the citizen; that for the vindication of all others he must look to the State. Thus the citizen of the United States who is not also a State citizen, but an inhabitant of a Territory, holds his rights subject to the discretion of Congress, except in so far as that body may be limited by the express mandates of the Constitution. *Civil Rights Cases*, 109 U. S. 3, 27 L. Ed. 835.

In the recent case of *Maxwell* v. *Dow*, 176 U. S. 581, at pages 588, 589 of 176 U. S., at pages 451, 452, of 20 Sup. Ct. (44 L. Ed. 597), the Court quotes, with approval, the language of Mr. Justice Miller in the *Slaughter House Cases*, 16 Wall. 36, 21 L. Ed. 394, referring to Section 2 of the Fourth Article of the Constitution, wherein it is provided that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States. The Court says:

> "We feel no hesitation in confining these expressions to those "privileges and immunities which are in their nature *fundamental;* which belong of right to the citizens of all free governments, and which have at all times been enjoyed by citizens "of the several States which compose this Union from the time "of their becoming free, independent and sovereign. What these "fundamental principles are it would be more tedious than dif-

"ficult to enumerate. They may, however, be all comprehended "under the following general heads: Protection by the govern- "ment; * * * The enjoyment of life and liberty with the "right to acquire and possess property of every kind, and to pur- "sue and obtain happiness and safety, subject, nevertheless, to "such restraints as the government may prescribe for the gen- "eral good of the whole."

It is thus apparent that the rights of citizens of the United States are almost impossible of definition. The general right to life, liberty and property, provided for by the Constitution and more specifically by the ten Amendments in favor of civil liberty, applies to all men alike, whether citizens or aliens. *Wong Wing* v. *U. S.*, 163 U. S. 228, 16 Sup. Ct. 977, 41 L. Ed. 140. See, also, Woodrow Wilson, The State, p. 498, § 917.

The only positive right conferred by the Constitution upon a citizen as such seems to be the right to sue in a Federal Court. This was the right which it was held that Dred Scott did not possess because not a citizen. Thus, as far as the Government of the United States is concerned, the inhabitants of the Islands, assuming them to be nationals, but not citizens, could hardly be said to have any lesser civil rights in fact than full citizens of the United States. While they could not sue in Federal Courts, this would scarcely be an additional burden to those that remained at home, because this right only belongs to a citizen of the United States residing in a State. It is not possessed by the residents of the District of Columbia, nor of the Territories of the United States.

As far as the action of the States themselves is concerned, the matter becomes somewhat more complicated. One of the most natural illustrations is as to the holding of real estate in the various States. In many of our States there exists as an obsolete remnant of the old and barbarous *Droit-d' aubaine*, the law by which an alien holder of real estate is subject to an action of forfeiture. This rule, according to the learned Mr. Pollock, arose historically from the habit of the English Crown of confiscating the estates of Norman nobles, situated in England, who swore allegiance to the Crown of France after the separation of Normandy from England. This practice ripened with time into a general rule of law. Its illustrious origin has long been forgotten, and it now remains as a remnant of ancient, time-honored law. History of the English Law, Vol. I, 441–50.

It is to be noted, however, that the right to hold real estate free from any interference on the part of the Government is not a right inherent in the citizen as such, but that the prohibition is simply a disability of alienage. Thus, if our theory be correct, a Porto Rican might well hold real estate in the City of New York, free from molestation by the Attorney-General, because, even if not considered a

citizen, he certainly is not an alien, and, therefore, not under the consequent disabilities.

It is thus apparent that there are very few, if any, civil rights which in such a view he would not have in common with citizens.

As to political rights, however, the situation is entirely different. Usually, though not always, the right to vote in the various States is conditioned upon citizenship of the United States, and, if our theory be correct, statutes to this effect might not apply to a Porto Rican national, and thus in the absence of State legislation, especially made to fit his case, he would not be allowed to vote in the States. As some of the States, however, allow aliens to vote, after a declaration of intention to become citizens, this disability could and would easily, if the State desired it, be removed for the benefit of those of our new inhabitants who desired to settle in the States.

As a writer on International Law recently put it (Mr. Randolph, in his excellent article on "The Insular Cases"), "There is nothing in the Constitution of the United States to prevent a State from inviting an immigrant to go from the wharf to the polls and vote for presidential electors." Columbia Law Review.

It is thus manifest that the distinction here made between aliens and nationals is very important for the Islanders themselves, and if held sound by the Supreme Court of the United States, they will not be under the disability of alienage and will enjoy nearly, if not quite, all the ordinary civil rights pertaining to the citizen.

On the other hand, the distinction between the two classes of nationals, namely, citizens of the United States, that is to say, those born or naturalized within the United States, and those not born or naturalized therein, but owing allegiance thereto, is important. If Porto Ricans are not citizens of the United States, all the political privileges accorded by law to citizens as such would not apply to them, and thus in the absence of special legislation they would have no political rights in the various States until the States chose to change their legislation. In so far as the Islanders remaining at home are concerned, they would, in any event, be subject to the complete control of Congress in the matter of political rights, the Constitution placing no limitation upon Congress, acting in and for the Territories, in that respect. In this regard they would be under no greater political disability than inhabitants of the District of Columbia.

It seems to us that this conclusion harmonizes with the general theory of the Treaty makers and the general policy of the government, which is to confer the ordinary civil rights upon the new inhabitants, while withholding from them all political privileges.

It may be asked whether they have the right to trial by jury and to the other civil rights guaranteed by the Constitution. It is sufficient to say that these rights are in no wise dependent, either upon citizenship or alienage. They are accorded to all persons within the

United States—although that term is now impossible of delimitation. Insular Cases, 182 U. S. 1-891, 21 Sup. Ct. 743-827, 45 L. Ed. 1041-1146.

It is quite possible, however, that the Supreme Court might decide that some of these limitations were only operative upon Congress when acting within the United States, in the narrow sense, proper, and that, therefore, they did not apply to the new inhabitants. Territory of Hawaii v. Osaki Mankichi, 190 U. S. 197, 23 Sup. Ct. 787, 47 L. Ed. 1016. It is thus seen that this question is entirely beside that of citizenship or alienage and has only to do with the applicability of certain portions of the constitution when limiting the power of Congress in legislating for the new territory.

This theory, while according to our new nationals certain rights, and conferring upon them a country, does not in any way interfere with the policies of the people of the United States by giving to the new peoples any political power, and hence any voice as to our government or institutions. They are alike cut off, in both cases, from any injurious interference in the destinies of the nation.

It is evident that there may be various gradations or subdivisions of subjection. Subjects may possess varying degrees of civil or political rights as is well said by one of the latest writers upon the subject.

> "Generally the term citizen is used in regard to the 'national' "invested with all civil and political rights. We must not, how- "ever, confuse, as is too often done, these two terms. *Every "national indeed is not a citizen, although every citizen is a na- "tional.* In France, for instance, minors, married women and "incompetents are not citizens, but they nevertheless possess "French nationality; they are deprived of political rights and "only possess the enjoyment of civil rights. The Algerians have "not even the enjoyment of civil rights; they are governed by "the Mussulman law in their relation between themselves, and "yet they have been solemnly declared Frenchmen by the *sena- "tus consultus* of 1865, and the decisions of the Court had upon "several occasions theretofore recognized that they possessed this "quality (French nationality)." (Cogordan, La Nationalité, pp. 7-8.)

The great publicist Bluntschli following the same line of thought, says:

> "The body of full citizens rise above the general mass of the "members of a country or nation. Full citizenship implies mem- "bership in the nation, but more than that, it implies complete "political rights; it is thus the fullest expression of the rela- "tion of the individual to the State." (Theory of the State, English translation, p. 203.)

The framers of the Constitution probably supposed that in the United States, nationality and subjection were identical, that is to

say, that all persons within the permanent allegiance of the United States were citizens just as such persons had been subjects of Great Britain before the Revolution. This view seems to have been practically undisturbed in the United States until the famous case of *Dred Scott* v. *Sanford*, 19 How. 399, 15 L. Ed. 691, which held that subjection and citizenship were not necessarily identical and that there existed a class of persons in the United States who, although not aliens, were nevertheless not citizens. We refer to the status of the free Negro before the enactment of the XIVth Amendment.

> "The words (in the Constitution) 'people of the United States' "and 'citizens' are synonymous terms, and mean the same thing. "They both describe the political body who, according to our "republican institutions, form the sovereignty, and who hold the "power and conduct the Government through their representa- "tives. * * * Congress might, as we have before said, have "authorized the naturalization of Indians, because they were "aliens and foreigners. * * * *The African race, however, "born in the country, did owe allegiance to the Government, "whether they were slave or free; but it is repudiated and re- "jected from the duties and obligations of citizenship in marked "language.*" Pages 404, 405 of 19 How. [15 L. Ed. 691].

The question involved in the Dred Scott case was whether a free negro could sue as a citizen in the federal courts, and the decision was based upon the fact that he could not have been a member of the political people. It was the impossibility that he should have been invested with political rights that led the Court to declare him a mere subject.

The status of the colored race was, until the enactment of the XIVth Amendment changed their status, settled by this decision.

Mr. Chief Justice Fuller in his dissenting opinion in the case of *United States* v. *Wong Kim Ark*, 169 U. S. 649, 18 Sup. Ct. 456, 42 L. Ed. 890, says:

> "Nor would a naturalization law excepting persons of a cer- "tain race and their children be invalid, unless the amendment "has abridged the power of naturalization. This cannot apply "to *our colored fellow-citizens, who never were aliens.*" Page 729 of 169 U. S., page 487 of 18 Sup. Ct. [42 L. Ed. 890].

It was for the purpose of removing from our jurisprudence this class of persons who owed the United States allegiance and yet were not citizens that the XIVth Amendment defined citizenship. This definition made citizenship and subjection at the common law identical, as Mr. Chief Justice Fuller said, in the Wong Kim Ark Case (page 727 of 169 U. S., page 486 of 18 Sup. Ct. [42 L. Ed. 890]) refer-

ring to the fact that the 14th Amendment was intended to apply to the colored race:

> "They were not aliens (and even if they could be so regarded, "this operated as a collective naturalization) and their political "status could not be affected by any change of the laws for the "naturalization of individuals."

As this Court said in *Elk* v. *Wilkins*, 112 U. S. 101, 5 Sup. Ct. 45, 28 L. Ed. 643:

> "The main object of the opening sentence of the XIVth Amend- "ment was to settle the question, upon which there had been a "difference of opinion throughout the country and in this Court, "as to the citizenship of free negroes (Scott *v.* Sandford, 19 How. "393, 15 L. Ed. 691); and to put it beyond doubt that all per- "sons, white or black, and whether formerly slaves or not, born "or naturalized in the United States, and owing no *allegiance to* "*any alien power*, should be citizens of the United States and of "the State in which they reside."

The only other instance in the history of the United States in which subjection and citizenship have not been identical is that of the status of the Indian living apart from his tribe and who has assumed the habits of civilization.

In the case of *Elk* v. *Wilkins*, *supra*, it was held that an Indian, born a member of one of the tribes, who was voluntarily separated from his tribe and had taken up his residence among the white citizens of a State is not a citizen of the United States within the meaning of the 14th Amendment.

The theory as to the legal status of Indians has always been, since the case of the Cherokee Nation *v.* Georgia, 5 Pet. 1, 8 L. Ed. 25, that the Indian member of a tribe owed immediate allegiance to his tribe, which was in turn under a general protectorate of the United States, and hence did not come either within the definition of subjection at the common law, or within the purview of the XIVth Amendment. Consequently it was necessary to consider him as an alien, a member of a tribe which the United States recognized at least as *quasi* independent by making treaties with it.

> "The Indian tribes, being within the territorial limits of the "United States, were not, strictly speaking, foreign States; but "they were alien nations, distinct political communities, with "whom the United States might and habitually did deal, as they "thought fit, either through treaties made by the President and "Senate, or through acts of Congress in the ordinary forms of "legislation. The members of those tribes owed immediate al- "legiance to their several tribes, and were not part of the people "of the United States." *Elk* v. *Wilkins*, 112 U. S. 99, 5 Sup. Ct. 44, 28 L. Ed. 643.

On this theory, therefore, Elk was held not to be a citizen of the United States; having, however, renounced his allegiance to his tribe, it would seem that he had become at least a subject of the United States, and this was the view expressed by Mr. Justice Harlan in his dissenting opinion.

> "If he (Elk) did not acquire national citizenship on abandoning "his tribe and becoming, by residence in one of the States, sub- "ject to the complete jurisdiction of the United States, then the "Fourteenth Amendment has wholly failed to accomplish, in re- "spect of the Indian race, what, we think, was intended by it; "and there is still in this country a despised and rejected class "of persons, with no nationality whatever, who, born in our ter- "ritory, *owing no allegiance to any foreign power*, and subject, "as residents of the States, to all the burdens of government, "are yet not members of any political community nor entitled "to any of the rights, privileges, or immunities of citizens of the "United States." *Elk* v. *Wilkins*, 112 U. S. 122, 5 Sup. Ct. 56, 28 L. Ed. 643.

Evidently Congress considered that an end should be put to so anomalous a situation and soon enacted that Indians who had separated themselves from their tribes and taken up civilized life should be considered citizens of the United States. Act Feb. 8, 1887, c. 119, § 6, 24 Stat. 388, 390.

We have instanced the case of the free negro and of the Indian separated from his tribe, as the only illustration within our history in which it was possible to consider that we had a class of persons who, while owing allegiance to no foreign government, were not citizens, but merely subjects of the United States.

This is doubtless due to the fact that in our history we have been so little brought into contact with races inferior to us in development and civilization. Our former growth has been rather by expansion and assimilation than through the method of imperialism, *i. e.*, the domination over men of one order or kind of civilization, by men of a different and higher civilization. The negro problem was set at rest by the war and the Fourteenth Amendment; the Indian problem by the ruthless progress of civilization, which compelled the opening up and exploiting of the American continent by the overflowing population of old Europe. In the contact, the Indian gradually perished and the problem was reduced to very minor proportions through the agencies of fire water, gunpowder and well-intended but unwise policy.

The logic of events is often more powerful than that of Aristotle.

V.

Illustrations of distinction between subjects and citizens.

Other civilized nations have, however, been brought into contact with uncivilized or semi-civilized tribes or people who became wholly subject to their jurisdiction, and whose legal status it was consequently necessary to solve.

We have seen that the English law has always treated such persons from the moment of the severance of their allegiance from their former masters as British subjects.

This natural and necessary consequence is also admirably illustrated by one of the most recent territorial acquisitions of France,—that of Algeria.

> "The conquest of a country like Algeria gives rise to questions "which cannot be governed by the application of the ordinary "rules of law followed in Europe. In practice it has been ad- "mitted that the Algerians were *French subjects*, not citizens (it "must be remembered) from the moment that their country was "definitely annexed to France. Hence the tribunal of Paris did "not hesitate to declare, even before the treaty of Tafma, of "20th of March, 1837, that the Algerians were like other French- "men, dispensed from the necessity of furnishing security for "costs." Cogordan, La Nationalité.

The question was thus very similar to that involved in this case, as in neither case had the executive or the legislative authorities conferred any rights of citizenship upon the annexed people, but their allegiance had been transferred from their former sovereign to the new one. The Court of Cassation declared that although there was no legislation fixing their status, and it had not been established by any treaty, nevertheless the Ordinance of the 10th of August, 1834, had submitted the Algerians to French law and sovereignty, and from that time it was no longer possible to treat them as aliens.

> "In declaring in its Art. 109 the union of Algeria and the "Colonies to the French Republic, the Constitution of November, "1848, did not effect anything as to the nationality of the inhabi- "tants; since we find the counsel for the order of lawyers of "Algeria contesting the claim of a native to be a Frenchman and "hence the possibility of his admission to the bar; this case "coming before the Court of Cassation it was held that by the "very fact of the conquest of Algeria the Israelite natives be- "came French subjects. Placed, indeed, under the direct and "immediate sovereignty of France, they are unable in any event "to claim the benefit or aid of any other nationality, *from which "it follows necessarily that the quality of Frenchmen can alone "thereafter be the basis and rule of their civil and political con- "dition.*" Glard, Nationalité Francaise, p. 380.

In matters of private law the Mohammedan subjects were left under their own rules and customs.

The French Government thus recognized a situation which we, until very recent years, refused to recognize in the case of the Indians, namely, that such tribes or peoples living under a different law and civilization, possessing a complete organization of their own, should be treated as nationals of the sovereignty to which they were really subject, but should be in their private relations governed by their tribal law. While we did not interfere with the tribal law of the Indians, we yet affected to assimilate them rather to a foreign people than to nationals, and made treaties with them, in preference to legislating for them directly. Our legal theory was thus at variance with the actual facts.

The Algerian subject is accorded no political rights whatever and can possess none except by becoming a French citizen. This the Algerian may become either by legislation, for example, the Décret Crémieux, October, 1870, conferred French citizenship on the Israelite inhabitants of Algeria, or by naturalization, but this naturalization is somewhat different from the naturalization of an alien. The Algerian has only to make a simple declaration before the mayor, and after examination as to morality, etc., by the mayor and upon the recommendation of the Council of State, the naturalization is granted as matter of right.

Already French, the native Mohammedan is subject after his naturalization to all the French civil and political laws; he pays the French and not the Arab taxes. He becomes immediately an elector, and eligible to Parliament, etc.

Glard, Nationalité Francaise, 263.

An analogous question was presented when France annexed Cochin China. The native Anamite inhabitant is declared by law (Decree 25th, 1881) French, but he remains subject to his own local laws and customs except in special cases in which by complying with certain formalities he may be placed under the jurisdiction of the French law, just as in Algeria he may acquire the civil rights of a citizen by showing that he has reached the age of twenty-one and is able to speak the French language, etc. (Cogordan, La Nationalité, p. 139).

By the cession of Taïti to France in lieu of the former protectorate, the whole native population became French subjects. The law (31 Dec., 1880), declared that "French nationality has been acquired *(de plein droit)* by all the former subjects of the King of Taïti."

> "Such a disposition is self-explanatory; the sole manner of "escaping the result is emigration or the acquisition of a foreign "nationality; they are no longer subjects of the king of Taïti" (Glard, Nationalité Française, p. 408).

See also other illustrations mentioned in Argument for Plaintiffs in Error De Lima *v.* Bidwell, 182 U. S. 76–78, 21 Sup. Ct. 743, 45 L. Ed. 1041.

We have thus seen that subjection is dependent upon allegiance, but that the civil and political rights of subjects may vary from those of the subjects who have full political rights (active citizens) to those who have limited civil rights (mere subjects). In our law and that of civilized States generally, except in cases of dependencies inhabited by semi or uncivilized people there are but two classes of subjects or citizens, namely, active citizens, that is to say those possessing political rights (burghers), and passive citizens, that is to say, those possessing full civil but no political rights, such as minors, women and incompetents. It is only, as the historic illustrations cited have shown, when civilized nations come into contact with people of a lower order of civilization that there is any disposition to refuse to subjects the ordinary civil rights. In Europe and America even aliens possess almost, if not quite all of the civil rights belonging to citizens, such as the right to possess property, to have recourse to the courts, etc.

It is for this reason that it has been difficult for us to apprehend that naturalization did not necessarily comport naturalization and that persons might cease to be foreigners or aliens without becoming citizens. We have seen that under our law the civil rights of citizenship in a broad sense, which would not also be possessed by any subjects or nationals of the United States, would be very few—the right to sue in the Federal Courts would be almost the only one belonging to passive citizens as distinguished from mere subjects. The fact that a national was deprived of these rights would not convert him into an alien and he would not be governed by the laws relating to alienage.

VI.

Conclusion.

There are three possible courses which this Court may adopt:

1. It may affirm the decision below and declare native islanders, born before the cession, aliens.

2. It may hold that the cession by transferring the allegiance of the natives made them United States subjects or nationals and that as such they are not under the statutory disabilities of alienage and cannot be deported under the Immigration law.

3. The Court may take the view that the cession of the Islands accomplished the naturalization of the native people and that they became passive citizens of the United States entitled to all civil rights of such.

> See argument of undersigned counsel, DeLima *v.* Bidwell, 182 U. S. 3, 21 Sup. Ct. 743, 45 L. Ed. 1041.

It seems to us quite obvious that the choice will be between the last two. It would be impossible to affirm the judgment of the Court below without leading to an absurd and unnecessary result. Plain terms would cease to have any meaning and we would consider aliens persons who owed us their sole allegiance and to whom we owed our protection. Such a result is too palpably defiant of the laws of thought and language, is altogether anomalous and we must respectfully submit is clearly impossible.

The Court might, however, adopting the suggestion of the Circuit Judge that the treaty expressly refrained from naturalizing the native population, hold that they were not citizens, and as such not possessed of any civil rights, but that they had become American nationals or subjects and were therefore, not within the purview of statutes aimed at aliens.

This result could be supported by the precedent of the free Negro and the detached Indian,

Dred Scott v. *Sanford*, and *Elk* v. *Wilkins*, infra,

and was the view taken by the Attorney-General of the United States at the time of the argument of the Insular Cases. While it has some logical force and may be supported by the two precedents referred to as well as by the precedents adducēd from the history of foreign nations, such as that of Algeria, it seems to us nevertheless to be a narrow view.

The third view would seem to be more compatible with sound political science, as well as more in accord with the spirit of our Constitution, and the jurisprudence of this Court. While it may be said that the treaty reserved to Congress the right to pass upon the civil rights of the native inhabitants, the treaty could not change facts. It had accomplished the cession and the results naturally and necessarily following from cession cannot be avoided.

It could not have made the country a foreign country by stating that it should remain foreign although ceded to the United States and subject to its plenary jurisdiction.

Even the treaty-making power and Congress together cannot change facts by violating the laws of language.

It therefore seems to us that the cession of the territory, its becoming domestic territory (DeLima v. Bidwell), with the transfer of the allegiance of its inhabitants, naturalized the natives in the sense that they became passive citizens of the United States, entitled to all the rights, privileges and immunities of such. Boyd *v.* Thayer, 143 U. S. 162, 12 Sup. Ct. 382, 36 L. Ed. 103.

Unless we adopt this course we are forced to have recourse to the two precedents in our history of which we are least proud, and to introduce for the third time into our system a class of persons whom it has always been our object to be free from. The XIVth Amendment, annulling the result of the Dred Scott Case, the Act of Con-

gress doing away with the result reached in Elk *v.* Wilkins, would go for naught, and we would again be confronted by a situation in which citizenship and subjection were not identical.

The two precedents above adverted to give us no encouragement to attempt for the third time a repetition of that peculiar, and, from the standpoint of American civilization, most anomalous result.

All of which is respectfully submitted.

Dated, New York, November 30, 1908.

FREDERIC R. COUDERT, Jr.,
PAUL FULLER,
CHARLES E. LeBARBIER.
Counsel.

PART II.

HOW TO USE DECISIONS AND STATUTES.

By EUGENE WAMBAUGH,

Professor of Law, Harvard University.

I. INTRODUCTION.

§ 11. The Kinds of Authority—Primary and Secondary—Imperative and Persuasive.
12. The Four Steps in the Use of All Kinds of Authorities.
13. Preliminary Points as to Making Notes.
14. The Distinction Between Statutes and Decisions.
15. Summary.

II. DECISIONS.

(*A*) *The Doctrine of a Decision.*

16. Decision and Opinion.
17. The Parts of a Reported Case.
18. The Function of a Court, and the Weight of a Judicial Decision.
19. The Opinion as Distinguished from the Decision.
20. To What Extent Does the Opinion, as Distinguished from the Decision, have Imperative Authority?
21. Hypothetical Cases.
22. Dicta.
23. Unnecessarily Broad Language.
24. Two Grounds for Same Decision.
25. Two Opposite Holdings at the Same Stage of the Case.
26. Several Errors Claimed, and None Found.
27. Discordant Opinions Agreeing in Result.
28. Opinion Ignoring Point.
29. No Opinion.
30. The Reporter's Syllabus.
31. An Example of the Mode of Extracting the Doctrine of a Decision.

(*B*) *Circumstances Affecting the Weight of the Doctrine of a Decision.*

32. The Necessity of Noticing the Circumstances.
33. First Group: Circumstances Affecting Thoroughness of Consideration.
34. Second Group: Defective Reports.
35. Third Group: Later Authorities in Same Jurisdiction.
36. Fourth Group: Comments Based upon the Jurisdiction of the Court.

(C) *Last Words as to the Use of Decisions.*

37. Caution Against Hypercriticism.
38. Cases Not Directly in Point Useful by Way of Analogy and Otherwise.
39. Summary.

III. STATUTES.

(A) *The General Rules as to the Construction of Statutes.*

40. Statutes Treated Differently from Decisions.
41. The Parts of a Statute.
42. The Places Where Statutes are Found.
43. Construction and Interpretation Treated as Synonymous.
44. Two Nontechnical Rules.
45. Technical Rules of Construction.
46. First Group: Rules of Construction Applicable to All Writings.
47. Second Group: Rules of Construction Especially Applicable to the Written Law.

(B) *Circumstances Strengthening or Weakening Preliminary Conclusions as to the Real Effect of a Statute.*

48. The Necessity for Going Beyond the Rules of Construction.
49. First Group: Mode of Ascertaining Precise Terms of Statute.
50. Second Group: Validity of Statute.
51. Third Group: Subsequent Legislation.
52. Fourth Group: Construction Already Made.

(C) *Last Words as to the Use of Statutes.*

53. English Statutes.
54. Constitutions and Ordinances.

IV. CONCLUSION.

55. The Limits Placed upon This Discussion.
56. The Need of Bearing in Mind the Purpose of Law.

I. INTRODUCTION.

§ 11. The Kinds of Authority—Primary and Secondary—Imperative and Persuasive.

The word "authority" is used by lawyers in at least two senses—one abstract, and the other concrete.

In the concrete sense, authority means the book or other place to which one resorts in order to find a proposition of law. In this sense, authority is divisible into two kinds, for, according to a familiar classification in all branches of science, sources of knowledge are either primary or secondary. Direct legislation and the reports of litigated cases are primary authorities for propositions of law. Among secondary authorities are digests, articles in encyclopædias or in periodicals, annotations, and treatises.

In the abstract sense, authority is substantially equivalent to influence or power. In this sense, also, authority is divisible into two grades, for the force of a statement of law is either imperative, or simply persuasive. Statutes are imperative, and so are the general principles underlying a decision of a court, within the limits of the jurisdiction of that court. A slighter degree of influence, on the other hand, attaches to decisions from other states and from foreign countries; and this slighter degree may be termed persuasive authority.

Other instances of the various kinds of authority will be discovered later in this discussion.

§ 12. The Four Steps in the Use of All Kinds of Authorities.

The framer of a brief makes use of authorities of all kinds. Much that is said of the mode of using one kind is true of the other kinds also. The kinds with which the present discussion has to do are the primary authorities, and not the secondary.

In using the primary authorities, even more than in using the secondary, the investigator takes four comparatively distinct steps:

First, one must determine what is the very point upon

which one needs enlightenment. This step is no small matter. It is, indeed, a step that is nearly impossible for a layman; and for the lawyer it can be rendered easy by nothing short of systematic and broad study, consuming years of labor, and covering almost the whole field of law. If a layman examines a conveyance of land, for example, he cannot be expected to discover that there is a possible question as to representing the grantee's first name by a mere initial letter, or as to leaving the grantee's name a blank, to be filled out in the future, or as to omitting the words "to the use of," or, indeed, as to numerous other matters, each of which the lawyer more or less consciously perceives, casts aside as settled, or reserves for investigation.

Secondly, one must determine under what headings in an index to statutes, or in a digest, or in encyclopædias and treatises, and elsewhere, he is likely to find what he wishes. This also is a step demanding skill. It is treated fully in a special part of this volume.

Thirdly, one must use the various guides to authorities named in the preceding paragraph, must examine the statutes and decisions thus discovered, and must make concise and accurate memoranda of the effect and weight of these authorities. The mode of doing this is the special subject of the present discussion.

Fourthly, one must weave his results into a connected argument, enforced by references to the authorities. This is obviously the end toward which each step has tended. So far as it can be separated from the other steps, it is the subject of discussion in an independent part of this volume.

Each of these four stages of work bears close relation to the other three, and each is undertaken more than once in each investigation. For example, when one comes to the last stage one is not unlikely to discover that in the original problem one element was overlooked, or that there is some new title under which the topic may be found in books, or that there is some additional statute or decision, or that there is some new view to be taken of the authorities al-

ready examined. Thus one goes backward and forward, never feeling that any step of his work is completed until the brief comes from the printer.

Yet the steps are fairly distinct, nevertheless; and, as has been already indicated, the third one is the special subject of the present discussion. In other words, the present attempt is simply to explain how the brief maker, having already determined exactly what is his desired proposition of law, and exactly what are the titles under which he is to find appropriate matter, makes use of the references obtained under such titles, and particularly how he makes use of the primary authorities, namely, decisions and statutes.

§ 13. Preliminary Points as to Making Notes.

If the beginner wishes to avoid wasting his labor and time as too many of his predecessors have wasted theirs, his memoranda as to authorities will be made in accordance with some such system as will be outlined in the following four cautions.

The first caution is that each statute or decision showing any promise of being pertinent, whether for or against the investigator's contention, must be examined in the original, and not in any condensation or paraphrase; for anything other than the original is a mere guidepost, and not the thing sought, and one's own possible errors and the possible errors in the original are quite as many dangers as one wishes to encounter.

The second caution is that unnecessary duplication of work must be avoided. No statute or decision should be examined oftener than once, unless it be unusually important or difficult. Consequently it is necessary to keep a record of each citation examined.

The third caution is that the record of citations must contain a memorandum, however short, indicating whether the citation is valuable or valueless, and whether the citation is likely to be used on the investigator's side of the argument or on the other side. The most convenient mode of making this informal but valuable record is to devote to each inves-

tigation an independent notebook,[1] or series of notebooks, to be used from the beginning to the end of the investigation, and to be preserved as long as one remains in business. This precaution against the loss or repetition of one's work is frequently forgotten by lawyers; but it is an important labor-saving device, and as long as the compiler of such a notebook lives he will occasionally find value in even his apparently most inartistic memoranda: "Wrong citation," "Not in point," "Against us," "Distinguishable," "Divided court," "Cites authorities," "Quote," "Strong case," "Overrules series of cases," "Under statute," "Examine again," "Statute repealed."

The fourth caution is that every citation proving to have exceptional value, whether in one's favor or otherwise, should be reduced to a short and clear proposition of law, with quotation, if necessary, and that this memorandum should be placed at first in the same notebook or system of notebooks, and should be written immediately—before the vividness of the impression has passed away.

The details of these various cautions may not be applicable to every investigation, and, besides, one can usually make for one's own use a plan that is more satisfactory than any suggested by another person; but, with these limitations, it may be said that to learn to use statutes and decisions is simply to learn how to make with discrimination and accuracy the memoranda, short or long, which, when sifted, expanded, corrected, and arranged, grow into a brief. The present purpose, then, is to explain how to make memoranda of statutes and decisions.

§ 14. The Distinction Between Statutes and Decisions.

As was pointed out at the beginning of this discussion, the books to be examined may be divided, as regards their relation to the foundation of law and to one's means of learning the law, into two classes—original sources and secondary sources. Certainly no one would speak slightingly

[1] For this purpose a very simple form of notebook is desirable—say, a book seven inches wide and about eight inches high, with from ten to twenty leaves, bound in paper.

of treatises, encyclopædias, digests, and similar aids in learning the law; but no one would conceive that they make the law, or even help to make it —save, indeed, as they may tend, in the absence of imperative authority, to persuade the Legislatures or the courts to follow them —or even that they are the most authoritative means for ascertaining what the law now is; and consequently, as was said at the outset, they must be classed as secondary sources. The only primary sources are decisions and direct legislation, and it now becomes necessary to explain the chief resemblances and differences of these two primary sources of law.

Direct legislation is found in constitutions, statutes, and ordinances. These three classes differ in several ways, and especially in usually being adopted respectively by popular vote or constitutional conventions, by national or state legislative bodies, and by city councils or other bodies of narrow jurisdiction; but the three classes have in common three characteristics which for the present purpose are the most important, namely, that they frankly purport to originate law, that they usually mean this new law to govern future transactions only, and that they are embodied in definite terms, which indicate, with comparatively slight opportunity for dispute, exactly what general rule is meant to be created. There is no one name invariably and exclusively appropriated to the three classes of direct legislation. All three are sometimes included indiscriminately under the term "statutory law." The term "written law" is more frequently used, and it is preferable because—to lawyers at least—it is unambiguous.

The primary source of our knowledge of law which is distinguished from direct legislation is judicial decision. There is a dispute among theorists upon the question whether judicial decisions actually make law. The dispute is interesting and important, but it is not useful for our present practical purpose of ascertaining how to use decisions, since one uses decisions in precisely the same manner, whether he believes that they make law, or simply that they demonstrate what the law is. In other words, no one doubts that the existence and the terms of a great

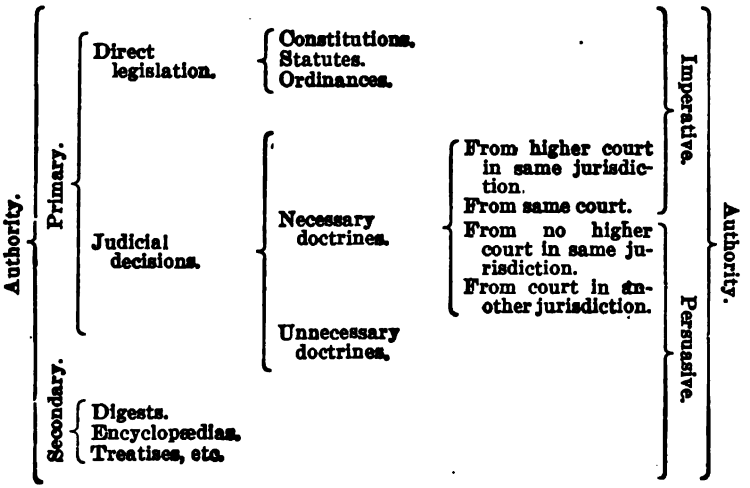
part of our law can be proved in no other way than by ascertaining how the judges have decided specific cases.

Although the decisions are usually reduced to writing, and finally form the volumes of reports, they are said to constitute the unwritten law—an apparent inconsistency in nomenclature, upon which it is unnecessary to dwell just now.

As judicial decisions furnish the greater part of the lawyer's skill, fill the greater part of his library, and consume the greater part of his time when he is preparing a brief, it is with judicial decisions that this discussion will deal first.

§ 15. Summary.

Combining the two uses of the word "authority," and analyzing each kind of authority into its component classes, the result is this table:



II. DECISIONS.[2]

(A) The Doctrine of a Decision.

§ 16. Decision and Opinion.

At the outset it is necessary to distinguish words often confused. The ultimate step taken by a court is commonly termed a "decision." This is a comprehensive word, free from technicality. The formal entry of the court's order has different technical names in different courts—the word "judgment" being used in common-law cases, and the word "decree" being used in chancery cases, for example. The statement of the reasons for a decision is in America termed an "opinion," and so is the statement of any judge's reasons for dissenting from the decision. An opinion agreed upon by the whole court or by a majority is termed "the opinion of the court." If such an opinion is anonymous, it is in America termed a "per curiam opinion." In England some of these terms have occasionally a different use, "judgment" being frequently used as a substitute for "opinion," and "per curiam" being sometimes applied to any opinion of the whole court, whether anonymous or not. The difference between the English and American usages is merely a matter of nomenclature, though, of course, an American lawyer finds it extremely convenient to adhere to the American usage. The distinction between "decision" and "opinion," however, cannot be dismissed as merely a matter of nomenclature, for it is very important from every point of view, and goes to the very foundation of this discussion as to the use of reported cases.

§ 17. The Parts of a Reported Case.

A complete report of a case may be divided into the title of the case (usually consisting of the name of the plaintiff versus the defendant, but in an appellate court the parties

[2] This subject is here treated from the practical point of view of a brief maker. Collateral reading from several points of view may be found in 1 Bl. Comm. 63–72; 1 Kent's Comm. 471–478; Ram on

may be reversed); a syllabus, otherwise called a "headnote" (in which the reporter attempts to indicate the propositions of law for which the case is an authority); the statement of the case (giving such an abstract of the pleadings, evidence, and procedure as may explain what questions of law arose); the arguments of counsel (or in recent times usually no more than their names); the opinion or opinions (one of the opinions being that of the court, as a rule, and individual opinions, whether concurring or dissenting, being also given occasionally); and a brief summary of the decision, i. e., of the result in this court (usually a line or two at the end, sometimes in a special type).

In order to ascertain what are the propositions of law for which the case is authority, the layman or the unskillful lawyer will probably be content with the syllabus and a quotation from the opinion of the court. Yet this is not a scientific or a safe course, as will appear clearly enough in the course of this discussion.

§ 18. The Function of a Court, and the Weight of a Judicial Decision.

The explanation of the weight to be attached to a judicial decision as a precedent for future cases may be found by examining the reasons for the existence of a court, and the functions necessarily, or at least naturally, performed by it.

The law, obviously enough, is simply a system of rules created by society as a substitute for violence, with the utilitarian purpose that the life of the community may be peaceful and productive. The courts are established to administer the law in disputes between individuals, and also in instances where an individual is complained of by the community. When the rule of law governing the rights of the parties has been established by a legislative body,

the Science of Legal Judgment; Wambaugh on the Study of Cases; Pollock's First Book of Jurisprudence; and Prof. J. C. Gray's article on "Judicial Precedents," 9 Harvard Law Review, 27. Cases are collected in 13 Am. Dig. (Cent. Ed.) "Courts," cols. 2128–2185, §§ 306–361; and 5 Digest of English Case Law, "Decided Cases."

the duty of the court is merely to apply such rule of law, after first determining—with or without the intervention of a jury, as the rules of procedure may dictate—whether the facts are such as to render the law applicable. Yet even when no legislative body has supplied a rule of law governing the case, the case must be disposed of in some way. In other words, it is part of the judicial duty to decide every case that actually arises. The existence of this duty is the first step in the chain of argument showing the value of judicial decisions as precedents—in other words, as binding proofs of the existence and terms of general legal propositions.

The next step in developing the value of judicial decisions as precedents is the necessity that each decision shall be based upon a general principle. If the decision is not conceived to be based upon a general principle, there is no rule, no law, and the decision is merely arbitrary. The absence of principle cannot prevent the decision from being binding as between the parties—much as an agreement to settle a dispute by the tossing of a penny might be deemed binding—but the absence of principle in deciding litigated cases strikes any one as unscientific, unjust, and dangerous; for the result of any case not governed by a general principle may easily be dictated by caprice, prejudice, or injustice. The old boast of the Medes and Persians that their law did not alter meant, apparently, simply that their judicial system was no respecter of persons, and that consequently the result in one case would be precisely the same as the result in another. At any rate, such must be the boast of any nation wishing to be considered enlightened. It follows that, in searching for a general rule justifying and requiring a decision about to be pronounced, a judge is performing a function which is absolutely necessary, and that this is true even though there is no written law governing the very case.

Thus far the discussion of the nature of judicial decisions is obvious; for in no country would it be denied that a court must decide all actual cases brought before it, and that the decisions must be made in accordance with some

general principle. At this point, however, there arises an opportunity for a difference of opinion, or at least for a difference of expression; for, as the next step in the argument, it is necessary to assume that in some present litigation the court makes a decision which is in accordance with some general principle not found in the written law, and it is then necessary to inquire what effect this present decision should have upon future independent litigations. Will the principle underlying this present decision be accepted as properly controlling future cases, or will each future case, though substantially identical in its facts, be treated as if the principle of law ought to be discovered de novo? The answer of American law and of all other systems based upon the law of England is that the principle underlying the present decision will be deemed of imperative authority, controlling the decisions of like cases in the same court or in lower courts within the same jurisdiction, unless and until the decision in question is reversed or overruled. Quite different, in form, at least, is the answer of the law of each nation on the continent of Europe, and indeed of all systems based upon the old law of Rome; for in the so-called civil-law countries each court must in each separate litigation examine each question of law de novo, although it is conceded that past decisions, being the work of learned men, should have a persuasive effect, resembling, and certainly not exceeding, the effect of treatises. In actual practice, the two views appear to be approaching each other, the courts of common-law countries, by reason of the multiplicity of decisions and of jurisdictions, tending to give increased attention to discussions of theory as distinguished from mere precedent, and the courts of civil-law countries, for the same reason, tending to give increased weight to the fact that a question of law has been presented to numerous courts and has been habitually decided in one way. Be that as it may, it is still the theory of common-law countries that decisions, within certain limits, are of imperative authority. It follows that the general principle dictating a decision is extremely important, being in its effect analogous to a proposition of law enacted in a statute.

The American lawyer, then, who contemplates using a certain case in his brief, must carefully ascertain the principle underlying the decision. Lawyers call the principle the doctrine of the case, or the ratio decidendi.

§ 19. The Opinion as Distinguished from the Decision.

Thus far the discussion of the weight of the doctrine of a case has included very slight mention of the opinion. It is possible, of course, to decide a case without giving an opinion. Conversely, it is possible to utter an opinion without making a decision. It is, however, much more natural that there should be both opinion and decision. What effect, then, does the opinion have upon the ascertaining of the proposition for which the decision is an authority?

It must be admitted, on the one hand, that an opinion is not requisite to the validity of a decision, and that, in the absence of a constitutional provision, the delivery of an opinion is not a necessary part of a judge's duty; for it has been decided that, in the absence of a constitutional provision, a court, even in deciding a litigated case, may refuse to obey a statute which requires an opinion.[8] On the other hand, it cannot be successfully contended that the delivery of an opinion is an improper or even an unofficial act. The truth is that an opinion is a very ancient and a very valuable accompaniment of a decision, and that to treat the pronouncing of an opinion as extrajudicial would be to do violence to the theory and practice of our system of government as to the source and weight of case law. Indeed, there are strong practical reasons why the court should announce the principle upon which it acts; for, unless a principle be announced, the court may act, for aught one knows, upon no principle at all, and at any rate a principle unannounced is difficult to ascertain, and thus is not very useful in predicting the results of future conduct and litigation. These are the homely reasons for the custom, centuries old, of having courts, permanent judges, the privilege of public attendance in court, and the pronouncing

[8] See Houston v. Williams, 13 Cal. 24, 73 Am. Dec. 565 (1859).

of judicial opinions containing the grounds for the court's results.

On this subject, Edmund Burke wrote: "Your committee do not find any positive law which binds the judges * * * to give a reasoned opinion from the bench in support of their judgment. * * * But the course hath prevailed from the oldest times. * * * The judges, in their reasonings, have always been used to observe on the arguments employed by the counsel on either side, and on the authorities cited by them. * * * The English jurisprudence has not any other sure foundation, nor, consequently, the lives and properties of the subject any sure hold, but in the maxims, rules, and principles, and traditionary line of decisions contained in the notes taken, and from time to time published (mostly under the sanction of the judges), called 'Reports.' * * * The elementary treatises of law, and the dogmatical treatises of English jurisprudence, whether they appear under the name of 'Institutes,' 'Digests,' or 'Commentaries,' do not rest on the authority of the supreme power, like the books called the 'Institute,' 'Digest,' 'Code,' and authentic collations in the Roman law. With us, doctrinal books of that description have little or no authority, other than as they are supported by the adjudged cases and reasons given at one time or other from the bench, and to these they constantly refer. * * * To give judgment privately is to put an end to reports, and to put an end to reports is to put an end to the law of England. * * * Nothing better could be devised by human wisdom than argued judgments, publicly delivered, for preserving unbroken the great traditionary body of the law, and for marking, whilst that great body remained unaltered, every variation in the application and the construction of particular parts." [4]

§ 20. To What Extent Does the Opinion, as Distinguished from the Decision, have Imperative Authority?

An opinion, then, being really not requisite, but certainly

[4] Report from Committee to Inspect the Lords' Journals, 11 Burke's Works (Boston Ed., 1869) 1, 41–45.

customary, desirable, official, and, in short, judicial, what is its binding force? In other words, what is the authority of the opinion, as distinguished from the decision accompanied by it? The answer is that as mere opinion the opinion has no authority of an imperative nature, but that it does have such authority in so far as it voices the principle actually dictating the decision.

As judges are a skilled class of a skilled profession, the normal state of affairs is that the opinion phrases accurately and fully the reasoning upon which the decision was based. From such an opinion can be easily framed, possibly even quoted, the proposition of law for which the case is an imperative authority. It is obvious, however, that the opinion may omit the reasoning upon which the decision really rested, or may give reasoning which really had no part in the decision; but these more or less abnormal phenomena may be postponed for the present.

In dealing, then, with the normal example of a reported case, the brief maker determines the ratio decidendi by ascertaining what question was taken to the court whose decision is reported, what disposition was made of this question, and what grounds for this decision were expressed by the court.

§ 21. Hypothetical Cases.

In tracing the reasons for the imperative authority of judicial decisions as precedents in our system of law, it was pointed out, at almost the starting point of the argument, that, as a court is founded for the practical purpose of terminating controversies, a court must decide every case properly brought before it. Conversely, a court has no power to pass upon questions which are merely hypothetical. Indeed, if a court could decide questions that have not yet arisen in actual litigation, and thus could fix a rule for future cases, a court would have a function that is purely legislative. The deciding of actual cases is a judicial necessity, and the various arguments in favor of uniformity of decision give to the doctrine of the actual case, according to our system of law, a force that is quasi legislative; but

this quasi legislative power of the judiciary is strictly confined within the limits of the function to which it is incident, and by which it is created—the function of deciding actual cases.

Courts therefore commonly refuse to lay down a doctrine otherwise than in the course of actual litigation. They may even decline to answer questions propounded by the executive or legislative departments of the government, unless by the Constitution of the state they are required to answer; and they hold unconstitutional a statute which, in the absence of such constitutional requirement, exacts answers from them.[5] The Constitution of the United States imposes no such duty upon the judiciary, and during the presidency of Washington the Supreme Court of the United States disposed of the point once for all by declining to answer questions propounded by the President and Cabinet.[6] When the Constitution of a state does require answers by the judges to questions propounded by the executive or legislative departments, the answers are given, of course; but, even in the court giving them, these answers are deemed merely extrajudicial advice to the persons propounding the questions, and are not treated as binding upon the court in case actual litigation should follow.[7] Nor, by the way, are the answers treated as binding by the persons propounding the questions.

A fortiori, a court will not pass upon a question propounded by private persons, otherwise than as a necessary incident of actual litigation.[8]

It must be remembered, however, that the construction of a will or the request of a trustee for instructions creates a necessity for judicial decision, even though the occasionally amicable nature of such a suit causes that which is theoretically contentious litigation to resemble the raising of a question by mere collusion.

[5] See Application of the Senate, 10 Minn. 78 (Gil. 56), (1865).

[6] See 1 Thayer's Cases on Constitutional Law, 175, 176, note, and 188, note.

[7] See Green v. Commonwealth, 12 Allen (Mass.) 155 (1866).

[8] See Capen v. Insurance Co., 12 Cush. (Mass.) 517 (1853).

It is obvious that neither the giving of advice under a constitutional requirement, nor the deciding of a suit of essentially an amicable nature, furnishes an exception to the rule that a court's judicial functions are restricted to the deciding of questions arising in actual litigation. On the contrary, when properly understood, these two instances of the work occasionally performed by courts are useful illustrations—working in opposite directions—of the existence, reason, and extent of the rule.

§ 22. Dicta.

From the same reasoning that explains the inability of a court to take jurisdiction of hypothetical cases, it follows that, if a court, in dealing with an actual case, proceeds to decide an hypothetical case also, the treatment of the hypothetical case will be extrajudicial, ultra vires, not binding upon the very court or upon any other. Yet it is almost inevitable that the opinion, by way of illustration or exclusion or other discussion, will go beyond the exact needs of the very problem presented to the court. Such passages are deemed to have been merely "spoken by the way"—"obiter dicta." An obiter dictum is usually called a "dictum," but now and then it is called an "obiter," and, as it sometimes begins with the words "it seems," it is occasionally called a "semble." As a dictum is by definition no part of the doctrine of the decision, and as the citing of it as a part of the doctrine is almost certain to bring upon a brief maker adverse comment, lawyers are accustomed to speak of a dictum rather slightingly, and sometimes they go so far as to intimate a belief that the pronouncing of a dictum is the doing of a wrong. Yet it must not be forgotten that dicta are frequently correct, and that to give an occasional illustration, or to say that the doctrine of the case would not apply to some case of an hypothetical nature, or to trace the history of a doctrine, even though it be conceded, as it must, that such passages are not essential to the deciding of the very case, is often extremely useful to the profession. What is clear is that dicta are not part of the ratio decidendi, and hence are not of imperative au-

thority. It is equally clear that dicta are entitled to some force. It is true that, as they are not required as steps toward the decision of the very case, they may have been uttered without full argument from counsel and without full consideration from the court; but if they can be shown to have been considered carefully, or to have been pronounced by unusually skillful judges, already well acquainted with the subject, no lawyer denies that they are of consequence. Whether well considered or not, they are entitled to be treated as statements of opinion emanating from men of learning. They resemble statements in legal treatises. In short, like all expressions of opinion from persons learned in the law, dicta must be conceded to have that sort of influence upon the minds of lawyers which has already been described as persuasive authority.

§ 23. Unnecessarily Broad Language.

Intermediate between the authoritative doctrine of a decision and a mere dictum lies an unnecessarily broad statement of a principle which is really decisive of the problem before the court, and which therefore cannot be treated as wholly unnecessary. It is, indeed, difficult to determine precisely how broad should be the statement of the reason dictating the decision. There is no question at all that some of the peculiarities of the problem in hand have nothing whatever to do with the solution. The age of the plaintiff, for example, is usually irrelevant, and yet there are cases where it becomes the really distinctive and conclusive feature. The pleadings do much towards demonstrating what features are important, especially when the pleadings finally frame a distinct issue of law by reason of a demurrer; and the procedure by which the case is taken to a higher court is also of great utility in explaining what is the precise question. Yet, notwithstanding pleadings and procedure, there frequently remain facts which conceivably color the problem in such a way that it is difficult to determine whether the coloring is not an essential feature of the general principle controlling the decision. When the court conceives that the coloring is immaterial, and therefore

utters a general principle ignoring the coloring, and such general principle is the real basis for the decision, the case is unquestionably an imperative authority for such general principle. On the other hand, if the general principle, though uttered without limitation, was uttered merely because of the presence of the element just now called the coloring, the coloring itself is really a part of the reason of the decision, and the court's ignoring of the coloring was merely apparent; and then the court's failure to mention the coloring should be treated as a mere inadvertence, or as the conscious utterance of an unnecessarily broad doctrine, whose unnecessary broadness is in effect dictum. It is difficult, when one has vividly in mind a specific state of facts, to phrase a proposition of law which will not cover more cases than are intended; and hence it is common for judges to insist that their language should be construed carefully in the light of the actually surrounding circumstances.[9] Consequently, in framing a memorandum of the ratio decidendi of any case, the brief maker must be careful to avoid copying excessively broad propositions, and to make his statement of the doctrine of the case no broader than would be approved by the court making the decision, if that court were, so to speak, subjected to cross-examination.

§ 24. Two Grounds for Same Decision.

When the court finds that its decision—for example, the reversal of the judgment of a lower court—can be rested upon either one of two or more independent grounds, it is obviously possible for the court to ignore all the grounds except one, and to proceed to base its decision upon that one; and hence it is arguable that, if the court rests its decision upon more than one of the possible grounds, it is

[9] See Brisbane v. Dacres, 5 Taunt. 144 (1813), per Mansfield, C. J.; Cohens v. Virginia, 6 Wheat. 264, 399–402, 5 L. Ed. 257 (1821), per Marshall, C. J.; Smith v. McGuire, 3 H. & N. 324 (1858), per Pollock, C. B.; Udell v. Atherton, 7 H. & N. 172 (1861), per Wilde, B.; Irvine v. Watson, 5 Q. B. D. 414 (C. A. 1880), per Baggallay, L. J.; Ex parte Yarbrough, 110 U. S. 651, 4 Sup. Ct. 152, 28 L. Ed. 274 (1884), per Miller, J.

doing more than it is compelled to do, and hence more than it has a right to do, and that consequently the opinion, in so far as it goes upon more than one of the possible grounds, is in effect a dictum, and thus merely of persuasive authority. The argument is specious, but it does not represent the view that lawyers take. The court has a perfect right to pass upon the whole case, and to base its decision upon as many points as it finds to be available. If the court does pass upon more than one ground, and indicates clearly that it is content to rest its decision upon each ground so passed upon, then each of the grounds thus approved becomes the basis of a general principle for which the decision is of imperative authority.[10] It is true, on the other hand, that the weight of the case as to any one ground will be lessened by any indication that this ground was deemed unimportant or was not examined with full consideration; and it is also true, of course, that if the court refuses to pass upon one of the grounds the decision is of no authority at all as regards the ground thus ignored and repudiated.

§ 25. Two Opposite Holdings at the Same Stage of the Case.

Somewhat similar to the discussion in the preceding paragraph is the discussion of the effect of the court's deciding different points in the case in behalf of different parties. It is possible, for example, for the higher court to decide that as to one error alleged by the appellant the lower court was right, and as to another wrong. It is obvious that the ultimate act of the court above in such a case—the setting aside of the judgment of the court below—was dictated wholly by the view that the court below had committed an error; and consequently it is arguable that, in so far as the court above expressed an opinion that as to one point there was no error, the court above was doing something unnecessary as a step towards its ultimate act, was uttering a dictum,

[10] See Hawes v. Water Co., 5 Sawy. 287, 295–298, 11 Fed. Cas. 862, 865, 866 (1878); State v. Brookhart, 113 Iowa, 250, 255–258, 84 N. W. 1064 (1901).

and created, at best, an opinion of only persuasive authority. The argument is merely specious. In truth, the higher court has decided two points—one in one way, and the other in another—and each decision was independent; and, though the ultimate judgment of reversal flowed from only one of the decisions, each decision was of a judicial nature, and the principles underlying the respective decisions are properly to be treated as of imperative authority. However, here, as before, it must be added that as to the point upon which the higher court found no error the weight of the decision will be weakened by any indication that the court's consideration of this point was slight.

§ 26. Several Errors Claimed, and None Found.

Verbally similar to the two instances of two or more mingled decisions just now discussed, but essentially very different, is the question arising when the court above is asked to pass upon several suggested errors of the court below, and finds that there are no errors at all, or when the court is asked to pass upon several grounds of demurrer to a pleading, and finds that no one of the grounds is sustainable. As the finding upon each point is really essential to the court's ultimate ruling—the affirming of the judgment of the court below, or the overruling of the demurrer—it ought to be obvious to even the most technical person that the decision of the court in question is of imperative authority as to each point, and also that the weight of the opinion is in no way lessened by the presence of the several points.

Yet it must be admitted that occasionally errors counteract each other. Hence, occasionally, when two allegations of error are taken to a court above, there may be an affirmance which is not based upon the court's belief that there was no error. This is a formal qualification of the discussion just now given, but it is not an important qualification, for the case seldom arises, and it is detected very easily.

§ 27. Discordant Opinions Agreeing in Result.

There remain three instances in which the ascertaining of the doctrine of a decision is unusually difficult, and sometimes impossible.

The first of these instances is encountered when the judges, though all or most of them agree in result, differ as to the grounds of the decision.[11] The difference may be of any degree of intensity, and when it is extreme the brief maker cannot safely say what is the general principle, and must content himself with stating the case and the result and then giving some indication of the grounds assigned by the several judges.[12] Now and then it may be possible to harmonize opinions apparently diverse, but surely one must hesitate to insist that but one doctrine was held by judges who professed to disagree.

§ 28. Opinion Ignoring Point.

Another difficulty, sometimes insuperable, is encountered when the opinion of the court ignores the point which the brief maker deems the real explanation of the decision. Now and then, doubtless, the point is so obviously present that the court must be understood to have seen it, and to have given to it due weight. Oftener, however, it is more easily arguable that the point was wholly overlooked and that it had no effect, consciously or unconsciously, upon the court's decision. It is certainly somewhat dangerous to assume that the court intentionally adopts a principle which its opinion does not suggest. Although there are instances where the silence of the court as to an obvious point cannot be imputed to ignorance or inadvertence, and where, therefore, the brief maker may properly venture to cite the case to an unmentioned proposition,[13] it is hardly necessary to add that his memorandum must carefully point out that he has done this, and why he has done it.

[11] A famous instance is Dred Scott v. Sandford, 19 How. 393, 15 L. Ed. 691 (1857). See 1 Thayer's Cases on Constitutional Law, 493, note.

[12] See Sturges v. Crowninshield, 4 Wheat. 122, 207, 208, 4 L. Ed. 529 (1819), and the comments upon that case by Johnson, J., in Ogden v. Saunders, 12 Wheat. 213, 272–273, 6 L. Ed. 606 (1827).

[13] See the comments by Harlan, J., in United States v. Texas, 143 U. S. 621, 642, 12 Sup. Ct. 488, 36 L. Ed. 285 (1892).

§ 29. No Opinion.

The third difficulty is distinctly similar to the one just now considered. It arises when there is no opinion at all. Then the safe course for the brief maker, clearly, is simply to state the case and the result. Now and then a certain point was taken to the court so obviously as to render it possible for any careful reader to say that the decision made by the court must be understood to contain a proposition upon that point; but here, again, it is hardly necessary to say that no brief maker would venture to frame this proposition of law without appending a memorandum of the absence of an opinion.

§ 30. The Reporter's Syllabus.

Thus far the discussion has not touched upon the value of the reporter's syllabus, commonly called the headnote. As the syllabus should be made in much the same manner as that suggested for the brief maker's memorandum of the doctrine of a case, and as the framer of the syllabus is usually a careful lawyer, no one can fail to appreciate that the syllabus is of great assistance to the lawyer who is in haste, and that even the most leisurely and scholarly investigator finds the syllabus a useful guide. Yet no one who has had much practical experience thinks of relying upon the syllabus exclusively. The reporter knows that dicta are useful, and hence he is very likely to overload his syllabus with dicta—too often omitting the warning "dictum," "it seems," or "semble." Again, the syllabus frequently states the facts and pleadings with unnecessary fullness. Finally, the syllabus, overloaded with dicta and with the statement of the case, may leave the reader at a loss to determine what really was the ratio decidendi. These are difficulties found even in syllabi which are accurate, as far as they go, but unfortunately some syllabi are simply wrong.[14] These are reasons enough for the careful practititioner's unwillingness to

[14] See the criticisms in Ogden v. Saunders, 12 Wheat. 213, 272, 6 L. Ed. 606 (1827), per Johnson, J., and in Behn v. Burness, 3 B. & S. 751, 760 (Ex. Ch. 1863), per Williams, J.

rely upon the syllabus exclusively, and, besides, however carefully and skillfully a syllabus may have been framed, it has probably not been framed from the point of view of this present investigation, or with the enthusiastic attention that ought to be exercised by the lawyer to whom this one case may be of paramount importance. Back of these practical reasons are reasons based upon the line of thought which has been elaborated in explaining how it happens that a case is an authority of an imperative nature for some propositions, and an authority of only a persuasive nature, to say the most, for certain other propositions which are asserted in it quite as emphatically. The syllabus cannot enlarge or diminish that proposition of law which can be ascertained by examining the statement and the result, and by then studying the reasoning in the opinion. Even though the syllabus be the handiwork of the judge who wrote the opinion of the court, as often happens, the same caution must be expressed, for the judge's own syllabus, in so far as it departs from the ratio decidendi as determined in accordance with the explanation now given, is a mere dictum. Indeed, the framing of a syllabus is extrajudicial, and cannot be imposed upon a court otherwise than by a constitutional provision.[15] Further, to digress for a moment from the direct line of this discussion, even a constitution cannot cause a syllabus to enlarge or diminish or otherwise qualify the doctrine of the decision, for otherwise the framer of the syllabus would have such a legislative power as is incapable of delegation by the Legislature; but conceivably this result would be otherwise if the constitution in question failed to discriminate between legislative and judicial functions, and to assign each to the appropriate department.

The practical result of these considerations as to syllabi is that the competent lawyer uses the syllabus as a prima facie guide, and no more, in determining whether the case should be examined carefully as an authority for or against him.

[15] See Ex parte Griffiths, 118 Ind. 83, 20 N. E. 513, 3 L. R. A. 898, 10 Am. St. Rep. 107 (1888).

§ 31. An Example of the Mode of Extracting the Doctrine of a Decision.

For the purpose of showing the lawyer's mode of determining the doctrine of a decision, it will be useful to examine the famous case of Irons v. Smallpiece.[16]

The question was whether the title to personal property passes by an oral gift without delivery.

The question arose in an action of trover for two colts. The plaintiff was the donee. The defendant was the executrix of the donor, who was the plaintiff's father. An oral gift of the colts seems to have been made by the testator to the plaintiff, a year before the testator's death. The colts were never taken out of the testator's possession. Six months before the testator's death the testator agreed to furnish hay at a stipulated price, but until three or four days before his death none was furnished. On these facts, in the court below, Abbott, C. J. (later Lord Tenterden), took the case from the jury, and directed a nonsuit.

In the court above—the Court of King's Bench—counsel for the plaintiff, arguing in favor of setting the nonsuit aside, stated that in Wortes v. Clifton [17] it was laid down by Coke, C. J., that, although in the Roman law a gift of goods is inefficacious without delivery, in our law the rule is otherwise.

The judges, however, agreed that the nonsuit should not be set aside.

They delivered separate opinions. Abbott, C. J., said, in part: "In order to transfer property by gift there must either be a deed or instrument of gift, or there must be an actual delivery of the thing to the donee. Here the gift is merely verbal, and differs from a donatio mortis causa only in this respect: that the latter is subject to a condition that, if the donor live, the thing shall be restored to him. Now, it is a well-established rule of law that a donatio mortis causa does not transfer the property without an actual delivery. * * * This property in the colts did not pass

[16] 2 B. & Ald. 551 (1819).
[17] 1 Rolle's Rep. 61 (1614).

to the son by the verbal gift; and I cannot agree that the son can be charged with the hay which was provided for these colts three or four days before the father's death, for I cannot think that that tardy supply can be referred to the contract which was made so many months before." The other judges concurred, Holroyd, J., saying, in part: "In order to change the property by a gift of this description there must be a change of possession. Here there has been no change of possession. If, indeed, it could be made out that the son was chargeable for the hay provided for the colts, then the possession of the father might be considered as the possession of the son." And Abbott, C. J., added: "The dictum of Lord Coke in the case cited must be understood to apply to a deed of gift."

Thereupon the Court of King's Bench gave judgment for the defendant, the reporter's short summary of the result being simply, "Rule refused."

Noticing exactly what was the point that had to be decided in the court above, one sees that this case cannot be cited as an imperative authority for any proposition other than that title to a chattel does not pass by a merely oral gift inter vivos, while the chattel remains in the donor's possession. The judges certainly indicated their views upon other propositions. They showed clearly their belief that an oral gift of a chattel, with change of possession, passes title, and that an instrument under seal or any other written instrument of gift may pass title without change of possession of the chattel itself; but upon these propositions, and others that may be found more or less clearly indicated in the opinions, what the judges said was not requisite for their decision, for they did not decide that the gift before them passed title, and hence their statements of the hypotheses upon which title would pass were mere dicta, however sound they may be.

Taken in connection with the discussion already given, this one case of Irons v. Smallpiece may be enough to show both how the judges deal with the sayings of prior courts and how the brief maker may venture to discard dicta and to ascertain the true ratio decidendi. It is probably unnec-

essary to discuss further the principle underlying the distinction.[18] It really seems that the whole truth as to the lawyer's view of ratio decidendi and dictum can be stated in very few words. Just as the religious teacher, modestly recognizing his own limitations, though knowing the value of example, says, "Not what I do, but what I say," so the judge, recognizing his own liability to express himself inaccurately, says, "Not what I say, but what I do." Thus it happens that the doctrine of the decision is most safely ascertained by finding precisely what question was taken to the court and what disposition was there made of the case, and by then extracting, with the aid of the opinion, the general proposition or propositions which dictated this result.

(B) Circumstances Affecting the Weight of the Doctrine of a Decision.

§ 32. The Necessity of Noticing the Circumstances.

In the course of the discussion which has had for its object the drawing of the extremely important distinction between doctrine and dictum, it has appeared incidentally that there are other distinctions affecting the weight of the propositions for which counsel on one side or the other may be expected to cite a case. As the brief maker's memoranda should indicate accurately the weight of the case in so far as the case has bearing upon the object of his investigation, it is necessary for him to take account of these modifying circumstances, and not to content himself with ascertaining the doctrine and indicating that certain matter is mere dictum. It will be discovered that the circumstances affecting weight are numerous. Indeed, it is impossible to give an exhaustive list. It is necessary to take account of those which are the most important; and it is necessary also to

[18] Discussions in harmony with the text may be found in Chase v. Westmore, 5 M. & S. 180 (1816); Peacock v. Purvis, 2 Brod. & B. 362 (1820); King v. Hoare, 13 M. & W. 494, 503, 504 (1844); Griffith v. Fowler, 18 Vt. 390 (1846); Eichholz v. Bannister, 17 C. B. N. S. 708 (1864); Hans v. Louisiana, 134 U. S. 1, 10 Sup. Ct. 504, 33 L. Ed. 842 (1890).

bear in mind that when the circumstances make a decision extraordinarily weighty they do not prove that it is right or that it will be followed, and that when the circumstances make the decision extraordinarily weak—hardly better than the merest dictum—they do not prove that it is wrong or that it will be ignored. Yet after these limitations have been stated as to the importance of the circumstances now to be enumerated, the fact remains that the circumstances are a constant subject of comment, must not be ignored, and ought to be represented in the brief maker's notes by some system of concise and clear memoranda.

For purposes of convenience, the circumstances usually commented upon will be arranged in groups; but the method of grouping is not a matter of much importance, as it may well change according to the point of view.

§ 33. First Group: Circumstances Affecting Thoroughness of Consideration.

In discussing dicta, it probably became clear that their lack of great weight—even their occasional lack of great persuasive authority—although due theoretically to their somewhat extrajudicial character, is also justified from a purely practical point of view by the customary absence of careful deliberation in uttering them. Similarly, lack of thorough consideration will reduce — even destroy — the weight of the very ratio decidendi.

There are numerous examples.

First, there may be no argument; and then there certainly cannot be thorough consideration.

Secondly, there may be argument on only one side.

Thirdly, the argument may fail to cover fully the doctrine upon which the decision went.

Fourthly, the case may be merely an amicable suit, and hence decided without thorough contention and deliberation.

Fifthly, the court may be hurried, as is usual at nisi prius.

Sixthly, the case may be of a political nature, or in some other manner may appeal to the court's prejudices, thus rendering it possible to contend that the decision is not the result of thorough and unbiased consideration.

Seventhly, the court may fail to notice the existing authorities, and thus may negative thoroughness.

Eighthly, the question may never before have come before a court—the case being, as is said, a case of first impression—and, thus through no fault of counsel or judges, the decision is open to the criticism that perhaps not all the possible consequences of the doctrine were discovered.

Ninthly, the consideration of the case, however thorough, may not have been sufficient to carry conviction to the minds of even the court making the decision; and thus the weight of the ratio decidendi is lessened by a dissent.

Tenthly, according to a common view, if the members of the court divide evenly—so that in an appellate court, for example, there is what is termed an affirmance by necessity—the weight of the decision is reduced to zero.[19]

Eleventhly, the court may deal with the point in question slightingly, upon the ground that the decision can be rested easily upon another point.

Twelfthly, the opinion may ignore the point altogether, so that, as has already been explained, it is difficult to say that the point is really part of the doctrine in the mind of the court.

Thirteenthly, the opinion may be anonymous, and thus subject to the comment that work for which no one person is peculiarly responsible is likely to be slipshod, even though indorsed by the whole court.

Fourteenthly, there may be no opinion at all.

Conversely, each of the adverse criticisms may be matched by a comment that is favorable;[20] and, especially, it must be noticed that extraordinary weight attaches to an opinion which in England follows a curia advisari vult or in the United States follows a rehearing.

§ 34. Second Group: Defective Reports.

As what is authoritative is merely what the court did and said, and not at all what the reporter may say that the court

[19] See Morse v. Goold, 11 N. Y. 281, 285, 62 Am. Dec. 103 (1854).

[20] See, for example, the comments in Merchants' Ins. Co. v. Clapp, 11 Pick. (Mass.) 56, 64 (1831), per Wilde, J.

did and said, and as this is true even though the reporter be —as in most jurisdictions he now is—a public official, it follows that the authority of a reported case is overthrown or modified by any circumstance which shows the report to be inaccurate or substantially incomplete.

The more important specific instances belonging to this group of defects will now be stated.

First, the syllabus may be so unsatisfactory as to show that the reporter did not understand the case that he was attempting to report, and hence that his statement of the facts and pleadings and procedure, or indeed any other item of his work, may be wrong.

Secondly, the statement of the case may be so scanty or confused or inaccurate that it is impossible to ascertain what question actually went to the court.

Thirdly, the opinion may be unsatisfactorily condensed. This is more likely to occur in England, where opinions are usually oral, than in the United States, where they are usually written, and then reported in full.

Fourthly, the summary of the disposition made of the case may be omitted.

Fifthly, there may be some inconsistency between the several parts of the report.

Sixthly, the case may be reported with substantial differences in several reports or periodicals. This is a difficulty encountered now and then with English cases, from the earliest days of reports down to the present time.

Seventhly, although no defect is observable in the very case, it may happen to be reported by a reporter of bad standing. This is a difficulty encountered with a considerable number of early cases, partly for the reason that some early volumes were unauthorized publications of hurried notes taken in court and never revised; but the difficulty is almost nonexistent with cases occurring since the American Revolution.[21]

On the other hand, the case may be entitled to the favorable comments that the report is full, accurate, and clear,

[21] The standard authority on the reputation and peculiarities of reports is Wallace's The Reporters.

and the work of some reporter of unusually high standing —such as Plowden, Saunders, or Burrow, in England, and Wheaton, Story, Sumner, or Johnson, in the United States.

§ 35. Third Group: Later Authorities in Same Jurisdiction.

Even though the doctrine of the case can be clearly ascertained and the case is free from any of the adverse criticisms heretofore stated, the case may have become of little or no authority by reason of later decisions in the same jurisdiction.

There is an interesting difficulty, and not a mere verbal puzzle, involved in the two apparently inconsistent theories which our system of law holds as to the binding effect of judicial precedent. On the one hand, the doctrine of the decision is deemed of imperative authority, binding this court and subordinate courts also. On the other hand, the court can overrule its own decisions, distinctly refusing to apply the principle of former decisions to new cases; and it is conceded to be the duty of the court to overrule its old decisions in case those decisions can be clearly shown to be unjust, inconvenient, or inharmonious with the more general principles and analogies of law. It is true that the House of Lords, according to a theory of recent origin, is supposed to be unable to overrule its own decisions; but the power is really inherent in all courts, and it is unquestionably exercised by the House of Lords, as witness the recent substantial modifying of Allen v. Flood [22] by Quinn v. Leathem.[23]

Further, it is possible for a lower court to refuse to be bound by the decisions of a higher court; but this course, except in instances where the higher court can be clearly seen to have blundered, is not conceded to be desirable or proper.

It is certainly possible to argue that the recognition of the propriety of a court's overruling its own decisions places

[22] [1898] A. C. 1.
[23] [1901] A. C. 495.

those decisions upon the plane of merely persuasive authority, and causes our theory of judicial precedent to be substantially like the theory held upon the continent of Europe. Yet in truth the two theories are different, and the two practices as to this matter are also different. Doubtless, as continental jurists concede a certain respect, though no binding force, to judicial precedents, and as our lawyers concede the propriety of overruling decisions of imperative authority, there is a verbal similarity between the two points of view. Yet in reality the continental jurists emphasize the importance of deciding each case as if it were a new one, rather than the propriety of following the example of earlier decisions; whereas our lawyers emphasize the importance of respecting precedents, rather than the possibility of hewing out a new path. The difference in emphasis marks a vital difference in both theory and practice. As has been said in a previous part of this discussion, the vast multiplication of reports on the continent of Europe and in countries using our own system of law is apparently bringing the practices as to the use of authorities into somewhat the same condition, continental judges finding, especially when overburdened, that the decisions of other judges are a great source of enlightenment, and our own judges, overwhelmed by discordant decisions from many jurisdictions, finding that it is sometimes easier and more satisfactory to choose a path dictated by theory; but the approximation remains slight, and it would be a mistake to infer that there is any substantial change in the theories of the lawyers devoted to either one of the great modern systems. Notwithstanding the occasional decision confessedly refusing to follow the decisions of other jurisdictions, and the occasional decision overruling the doctrine of the very court, the theory requiring precedents to be respected—frequently called the "rule of stare decisis"—continues to be one of the distinguishing marks of our system of law.

Yet, as has been indicated, the authority of a decision is gravely affected by later decisions in the same jurisdiction. This happens in several ways.

First, if the decision be made by a court of first resort or

by an intermediate court, the decision in the very case may happen to have been reversed by a higher court.

Secondly, even if the decision be rendered by a court of last resort, the decision in the very case may have been reversed upon a rehearing; and in some jurisdictions rehearings are granted rather frequently.

Thirdly, even though the decision may stand forever in the very litigation, the doctrine of the decision may have been frankly overruled in some other litigation in the same court or in some court of higher jurisdiction, in accordance with the power which a court of higher jurisdiction must always have, lest it be actually controlled by courts of lower jurisdiction, and in accordance with the power whereby the very court, even under the theory of stare decisis, can refuse to be guided by its own decisions, as already has been explained.

Fourthly, although the decision may not have been overruled frankly, there may have been a decision that overruled it silently; and then there is a question whether the later inconsistent decision must be discredited as a mistake, or must be accepted as an overthrow of the earlier doctrine.

Fifthly, although the decision may not have been overruled, a court capable of overruling it may have refused to apply it to a later case coming within its doctrine, taking some distinction which confines the doctrine of the earlier case within very narrow limits, and which, likely enough, foreshadows ultimate overruling. This is, indeed, the most frequent mode of correcting what is conceived by the court to be an error—a mode pursued naturally enough, since it somewhat conceals the rather embarrassing allegation of error, and easily quiets the mind as to the possible conflict between the power of overruling and the rule of stare decisis.

Sixthly, although the decision may not have been overruled or even distinguished, it may have been expressly disapproved by the same court or by some higher court. As mere disapproval cannot occur except in a case not directly involving the doctrine disapproved—for otherwise the disapproval would pass into overruling, or at least into dis-

tinguishing—it follows that mere disapproval is in effect mere dictum, and can have only persuasive authority, and not imperative authority; but the express disapproval may be a strong indication that, when the point is squarely raised, the decision criticised will be overruled.

Seventhly, although it may not be possible to point out any decision that affects the point in question in any one of the ways enumerated, it sometimes happens that the profession has grown to ignore the old decision as wrong or obsolete; and though this does not happen often, when this does happen, the old decision is very likely not to be followed in case the point is squarely raised again. This is one of the instances in which lawyers rather mystically, though soundly, say that a decision is "not law."

On the other hand, the case in question may be one of a series, extending to the present time, applying the doctrine in instances where it is part of the ratio decidendi, approving it by dicta in other instances, and even extending it to cases which seem to be outside its original scope. When this happens, the doctrine is impregnable—and more than impregnable, for it is an active and conquering force.

There is, indeed, a vast and interesting difference between the treatment given to a doctrine that is conceived to be right and the treatment given to one that is conceived to be wrong. The rule of stare decisis applies to each of them, of course; but one of them is accepted hospitably and grows, whereas the other is treated as a hostile foreign body not germane to the legal system, is confined within narrow limits—encysted, so to speak—and in the course of time is quite likely to be cast out entirely.

§ 36. Fourth Group: Comments Based upon the Jurisdiction of the Court.

The power of a court to create a precedent of imperative authority, besides being limited to the very question arising in the course of actual litigation, is subject to other limitations. As a lower court cannot bind a higher, there is what may be termed a horizontal limit; and as a court cannot establish law for regions outside the geographical bounda-

ries of its jurisdiction, there is also a vertical limit. In other words, although the doctrine of a case has received full consideration, is easily ascertainable from a report that is above criticism, and has not been weakened in any respect, the case may be of defective authority because of circumstances relating to the court's jurisdiction.

This gives rise to an important group of comments.

First, the ratio decidendi of a decision in a court not of last resort, though of imperative authority in that court—until reversed or overruled—is of merely persuasive authority in courts of the same rank and in the court of last resort. This point is independent of one heretofore made, to the effect that the decision of a lower court is sometimes rendered without full deliberation, and it is also independent of the suggestion, often inaccurate, that the judges of lower courts are less experienced or less scholarly than judges of courts of last resort.

Secondly, the decisions of a commission or other temporary court, even though it be for the time a court of last resort, and hence theoretically capable of establishing the law as firmly as can any court whatsoever, are in practice treated as of somewhat less weight than the decisions of permanent courts exercising the same jurisdiction; but the force of this comment is much weakened when the commission or other temporary court is known to contain lawyers of unusual skill.

Thirdly, the decisions of a court of last resort of one state have in other states no more than persuasive authority.

Fourthly, even within the state, the decisions of a state court of last resort as to questions under the Constitution of the United States, the treaties of the United States, or the statutes of the United States must be treated as the decisions of a subordinate court, for the reason that these questions are within the peculiar jurisdiction of the federal courts.

Fifthly, as to matters of state law, the state courts, and not the federal courts, usually have controlling influence. As to such matters, the state courts certainly do not yield to the federal courts—not even to the Supreme Court of the

United States. It does not follow, however, that as to such matters the federal courts unhesitatingly follow the state courts. The questions being by hypothesis questions of state law, there is one line of reasoning to the effect that the federal courts should concede the decisions of the state courts to be of imperative authority. On the other hand, there is a line of reasoning to the effect that when the federal courts have jurisdiction, not by reason of the presence of a federal question, but by reason of the citizenship of the parties, the federal courts, acting under the Constitution of the United States, assented to by the citizens of the several states, are acting as bodies duly authorized to determine local law, and hence are in effect state courts, having, as there is no appeal from them to the ordinary state courts, full power to determine what is the law of the state. The practice is, rather illogically, midway between these two theories. The federal courts do follow the state decisions as to the construction of the state Constitution and of the state statutes, and also as to property law; but they decline to be bound by state decisions as to questions of commercial law. This distinction is not easy to justify in theory or to apply in practice, and no one would attempt to predict its future; but at present, by reason of this distinction, the federal courts are tending to develop a general commercial law for the whole country.[24] Besides, the federal courts exercise now and then the inevitable power of any court to disregard state decisions of any sort in case it seems clear that the state courts have made a mistake as to the state law.

Sixthly, in this country the decisions of English, Irish, and colonial courts are of simply persuasive authority; and this is true whether the decisions be new or old. Even as to decisions before American independence, this statement requires no material qualification, for the only English court

[24] See Swift v. Tyson, 16 Pet. 1, 10 L. Ed. 865 (1842); Burgess v. Seligman, 107 U. S. 20, 33, 34, 2 Sup. Ct. 10, 27 L. Ed. 359 (1882); Hartford Fire Ins. Co. v. Railroad Co., 175 U. S. 91, 100, 20 Sup. Ct. 33, 44 L. Ed. 84 (1899); Western Union Telegraph Co. v. Publishing Co., 181 U. S. 92, 21 Sup. Ct. 561, 45 L. Ed. 765 (1901).

that had jurisdiction over litigation arising in the American colonies was the Judicial Committee of the Privy Council, and the reported decisions of that body in our colonial period are few and unimportant.

Yet, though the decisions of the ordinary English courts have never been of imperative authority here, their persuasive authority is very strong; for, in the absence of some peculiar reason, the decisions of those courts, composed, as they always have been, of competent judges, and aided, as they always have been, by thoroughly trained counsel, are high evidence of the doctrines of that law which the colonists brought with them, and which the courts and lawyers of this country are still engaged in applying to new conditions. It should be added that English cases commonly have the advantage of being reported concisely, and that many of the English opinions bear the names of judges who are almost as famous here as they are at home.

(C) Last Words as to the Use of Decisions.

§ 37. Caution Against Hypercriticism.

Although both reason and the practice of skilled lawyers have justified and required all that has been said as to ascertaining the doctrine of a case, discriminating between ratio decidendi and dictum, and commenting upon the circumstances affecting the weight of the decision, there is some danger that the minuteness with which the pitfalls have been pointed out may encourage hypercriticism. It is quite likely that when the reader began to examine this discussion he was disposed to look upon the words of judicial opinions with too slight discrimination, and hence to believe too much; but it is certainly not desirable that he should go to the other extreme, and believe too little. Weak-minded and imaginative persons, upon reading the symptoms described in medical books, are said to imagine that the whole world is a mass of disease; and possibly some persons may get similar views from the preceding discussion of symptoms of weakness in judicial opinions. Symptoms, however, do not prove disease, but simply dictate caution. There are

sound dicta—thousands of them. There are thousands of decisions which are subject to one or another of the comments enumerated, but which, notwithstanding the comments, would be followed by any court, and rightly. Indeed, if courts were to discard all cases upon which some unfavorable comment can be made, they would have practically no aid from their predecessors. Counsel must learn from experience—if they be not born with lawyerlike wisdom—when the comments will be received with attention and when with impatience. Yet counsel must nevertheless, in anticipation of criticism by opponents or in preparation for criticism of opponents' authorities, prepare memoranda that will enable them to meet or to make all these comments instantly and accurately.

§ 38. Cases Not Directly in Point Useful by Way of Analogy and Otherwise.

Further, a case whose doctrine is not directly in point may be cited rightly enough as the basis of an argument from analogy. For example, it may be imagined that in a jurisdiction where the doctrine of Lawrence v. Fox [25] prevails, and where consequently the beneficiary of a contract can sue in his own name, counsel wishes to prove that the beneficiary can be met by the defense that the promisee obtained the contract by making a fraudulent misrepresentation. If it be imagined that no decision directly in point can be found, it will be nevertheless admitted that counsel may properly cite decisions to the effect that an action by a principal can be defeated by a defense based upon the fraud of his agent, and decisions to the effect that an action by the assignee of a nonnegotiable contract can be defeated by a defense based upon the fraud of the promisee; but counsel must clearly indicate that these decisions are not directly in point, that he admits the distinction between a beneficiary and a principal, and also between a beneficiary and an assignee, but that he contends that a beneficiary resembles both a principal and an assignee, occupies a position mid-

[25] 20 N. Y. 268 (1859).

way between those two persons, and ought to be governed by a doctrine which is demonstrated to be applicable to each of them.

§ 39. Summary.

Nothing that has just now been said must be understood as minimizing in the least degree the necessity of discovering the very doctrine for which a case is a distinct authority, and of laying greater stress upon that doctrine than upon the court's words, and of bearing in mind all the comments named. All these matters are of great importance; and, indeed, the habitual perception of the distinction between the doctrine of the decision and the mere words of the court is one of the chief marks of a sound and acute lawyer.

III. STATUTES.[26]

(A) The General Rules as to the Construction of Statutes.

§ 40. Statutes Treated Differently from Decisions.

On passing from decisions to statutes there is a vast change in the point of view, and in the mode of ascertaining the rule of law. This is true whether the word "statutes" be used in that wide sense which includes all written law, or in that narrower sense which is intended throughout the following discussion and which distinguishes statutes from constitutions on the one hand and ordinances on the other. In dealing with decisions it has been found that the very words of the court promulgating the opinion and making the decision do not determine absolutely the rule of law, but that the rule of law is ascertained by discovering

[26] Only the points of the greatest practical importance to the brief maker are treated here. Elaborate treatises are Dwarris on Statutes and Sedgwick on Statutory and Constitutional Law. There is a condensed view of the whole subject in Bishop on Statutory Crimes, books 1 and 2. The cases are collected in 44 Am. Dig. (Cent. Ed.) "Statutes," cols. 2804–2991, §§ 254–377; and 13 Digest of English Case Law, "Statute."

what general proposition was essential to the result reached, and by using the words of the opinion as a mere aid in the ascertaining of that rule, so that, though opinions are written, the authoritative rules derived from them are not written, but are ascertained by the use of reason, causing case law to be classed as unwritten law—lex non scripta, to use the Latin phrase. Not so with statutes, for in dealing with statutory law it will be found that the very words necessarily are to be treated as creating and limiting the rule, wherefore statutes are the great example of the written law —lex scripta. There are other less important differences, some of them connected with the one just now emphasized. A decision deals with past events primarily, and it is only incidentally that it affects rights dependent upon future events, whereas a statute primarily looks toward the future, and it is abnormal—often even unconstitutional—for it to attempt to modify rights based upon past facts. A decision deals only with the case actually before the court, and it is only incidentally that the decision indicates the probable result of some other case, even between the same parties, whereas it is of the essence of a statute that it creates a rule of general application. A decision proceeds upon the theory that it follows a rule already in existence, whereas a statute usually professes to introduce a rule that is new. A decision can usually be predicted by a skillful lawyer, whereas no lawyer can predict what statute will be adopted. A decision is almost invariably made by lawyers, and the accompanying opinion is couched in technical language, whereas a statute is often not the work of a lawyer, and, at any rate, is supposed to be capable of being understood by the average layman. All these differences flow from the fact that the giving of a decision is a judicial act, and the making of a statute is a legislative act—the quasi legislative effect of a decision being indirect, and, as far as possible, concealed by the habitual language of lawyers and judges.

§ 41. The Parts of a Statute.

A statute of complete form contains a title (briefly indicating its nature), a preamble (beginning with "Where-

as," and indicating the reasons for the statute, and possibly its general effect), and (beginning with "Be it enacted") the body of the statute, otherwise called the "purview." To various clauses frequently found in the body of the statute descriptive terms of no great value are sometimes attached by lawyers. Thus the half dozen or more words beginning with "Be it enacted," and ending with "that," are termed the enacting clause. A passage explaining the meaning of words is termed an interpretation clause. Passages beginning "Except," or "Provided," or "Nothing in this act shall," are termed "exceptions," "provisos," or "saving clauses," respectively. There may also be included in the body of the statute a repealing clause, and a clause fixing the date when the statute takes effect. The word "purview" appears sometimes to be confined to so much of the body of the statute as would be left by omitting the exceptions, provisos, and saving clauses; and as the word is ambiguous, and not very useful at best, a wise course may be not to use it at all.

§ 42. The Places Where Statutes are Found.

The original sources of knowledge as to the exact words of statutes are the records of the legislative bodies passing them, and the much more accessible printed volumes that are commonly called "session laws."

From time to time the statutes which are supposed to remain in force are collected into volumes bearing the formal name "Revised Statutes," or some similar title, but very commonly known merely as "revisions." Revisions differ in form, for some permit the whole of an original statute to remain in one place, while others place the several parts under appropriate heads in different places; and, besides, some arrange topics alphabetically, while others arrange them analytically. Further, revisions differ in substance, also; for, while some are adopted by the legislative body as a statute, and are accompanied by an act repealing all other statutes, others, whether made under legislative authority or not, are not so adopted, and are not accom-

panied by a repealing act, and are made, at the most, merely prima facie evidence of the terms of the statutes contained in them.

§ 43. "Construction" and "Interpretation" Treated as Synonymous.

Some authors have attempted to introduce a distinction between "interpretation" and "construction." The distinction, however, has not been accepted by the profession, and the two expressions are in practice synonymous. The more common term is "construction."

§ 44. Two Nontechnical Rules.

In using statutes, there are two nontechnical rules, which, though not often found in the books, are of primary importance:

First, when a statutory question arises, one should not trust to an inaccurate memory or to a paraphrase, but should examine the very words of the statute.

Secondly, when a statutory question arises, however well acquainted one may be with the very words of the statute, and with the constructions heretofore placed upon them, one should examine the statute anew from the point of view of the new question.

These two rules are derived from the fact that statutory questions are determined not by legal theory, but by verbal criticism. They are doubtless the rules which were in Chief Justice Coke's mind when, having been told that his opinion was desired upon a question of law, he said: "If it be common law, I should be ashamed if I could not give you a ready answer; but, if it be statute law, I should be equally ashamed if I answered you immediately."[37]

§ 45. Technical Rules of Construction.

Assuming that the investigator has familiarized himself with the very words of the statute, and that he has examined those words in the light of the question in hand, the investigator is face to face with the problem of statutory

[37] Story, Miscellaneous Writings, 449.

construction, and finds that in solving this problem he is aided by very numerous technical rules. For convenience, these rules may be divided into two groups, the first group being applicable almost equally well to all written instruments, and the second group being especially applicable to the written law. All the rules purport to be based upon two principles: First, that what is to be ascertained is the intent of the framers of the words; and, secondly, that this intent is to be gathered from the words themselves. It will be found, however, that these two principles are much more closely followed in the first group of rules than in the second. It will be found, also, that the two groups are not very clearly distinguishable, for this grouping, like almost all classification in the law, is necessarily somewhat artificial.

§ 46. First Group: Rules of Construction Applicable to All Writings.

Among the rules of construction applicable to all writings —contracts, conveyances, wills, and treaties, as well as constitutions, statutes in the strict sense, and ordinances—are those now to be enumerated:

First, technical words are to be understood in the technical sense, and ordinary words in the ordinary sense. For example, "larceny" and "tuberculosis" mean, respectively, larceny as defined by law, and tuberculosis as defined by medicine, while "vehicle" means what an ordinary man would term a vehicle. Dictionaries, of course, are accepted aids in determining the meaning of words.

Secondly, words that have changed in meaning since the framing of the instrument are to be construed as they were understood at that time, for otherwise the construction would alter as time passes. This is an explanation of the decision in Dartmouth College v. Woodward,[28] where a charter of a private corporation was held to be protected from the interference of the Legislature of a state by reason of the clause in the Constitution of the United States which

[28] 4 Wheat. 518, 4 L. Ed. 629 (1819).

provides that no state shall pass any law impairing the obligation of contracts; for though by legal analysis and definition, as now understood, a corporate charter is not a contract, for the reason that it is a grant, and not a promise, nevertheless, as it is an agreement, it probably fell within the definition of a contract according to the nomenclature of the lawyers of the time of the framing of the Constitution.

Thirdly, words are to be construed in connection with the context, and the entire statute is to be read as one complete instrument. This is a mere outgrowth of the fact that a word standing by itself can hardly be said to have any meaning at all, and that at any rate the surrounding words are absolutely essential to the proper understanding of it.

Fourthly, all words are to receive force, if possible, and only extreme necessity authorizes treating words as surplusage. This is a result of the natural and respectful view that the person framing the statute used no more words than he deemed necessary to express his meaning.[39]

Fifthly, words are to be so construed as to attain sense and not nonsense, justice and not injustice, convenience and not inconvenience.

Sixthly, words are to be so construed as to carry out the general purpose of the statute. To this end, the title and the preamble may be used, and so may the debates preceding the adoption of the statute; but any use of matters outside the body of the statute must be cautious and sparing, for a statute is within the reason of the rule that prohibits contradicting or varying a solemn document by parol evidence.

Seventhly, clerical errors are to be ignored, if the meaning can be ascertained notwithstanding them. If the meaning cannot be ascertained, of course the reason of the rule ceases, and the rule becomes inapplicable.

Eighthly, grammatical and rhetorical inaccuracies are to

[39] See Hurtado v. California, 110 U. S. 516, 534, 4 Sup. Ct. 292, 28 L. Ed. 232 (1883).

be ignored, if the sense is clear. To this end, for example, "and" may be read "or," and "or" may be read "and."

Ninthly, as an aid to the sense, the investigator may appeal to punctuation. An impression to the contrary has been supported by saying that early English statutes were not punctuated, and that pending bills are read aloud, and that hence the punctuation, if any, does not influence legislators. Yet to-day bills are punctuated, and, though they are read aloud, the printed copy is what the legislators actually depend upon, not to mention that punctuation inevitably affects the emphasis and intonation of a person reading aloud.

§ 47. Second Group: Rules of Construction Especially Applicable to the Written Law.

Like the rules of the preceding group, the rules of construction especially applicable to the written law profess to seek the expressed intent of the legislative body; but it will be found that the rules of this second group sometimes actually defeat that intent. A few of the most important rules of this second group will now be stated:

First, words are to be so construed, if possible, as to prevent the statute from being declared invalid for unconstitutionality or repugnancy. This rule may partially ignore the actual intent of the legislative body, but it certainly does aid part of that intent, for the intent certainly was, among other things, that the statute should have some effect.

Secondly, there is an inclination to construe words in such a way that the statute will not have a retrospective effect.[80] This rule is independent of considerations as to unconstitutionality, being based wholly upon the theory that retrospective statutes are somewhat abnormal. Like all rules of construction, it yields to a direct expression of intent; and, besides, it has no application where retrospective action would be reasonable—for example, in matters of mere procedure.

Thirdly, in penal statutes words are to be construed

[80] See Hansen v. Meyer, 81 Ill. 321, 25 Am. Rep. 282 (1826).

strictly. This rule is dictated by a humane spirit, rather than by an attempt to ascertain legislative intent; but it is theoretically turned into a rule of intent by the assumption that the rule is known to the legislative body, and that consequently the words of the penal statute were meant to be construed thus. Indeed, all the rules of this group are sometimes in this manner argumentatively contended to be actually rules of intent.

Fourthly, in remedial statutes words are to be construed liberally. This rule is so applied as to extend the statute beyond its actual language to cases within its reason and general intent.

Fifthly, the words of the statute are to be construed in the light of the pre-existing law. The reason for this rule is simply that the pre-existing law was part of the atmosphere that surrounded and suggested the new statute, and the new statute cannot be thoroughly understood if isolated from its cause. To quote the words of Chief Justice Coke, the prior law is "the very lock and key to set open the windows of the statute."[81]

Sixthly, the words of one of a series of statutes will be construed as if that statute and its predecessors in the series constituted but one statute. This is illustrated by the English Common Pleas case of Hyde v. Johnson.[82] There the question was under the statute 9 Geo. IV, c. 14, § 1, which enacted that a debt barred by the statute of limitations[83] could be revived only through a writing "signed by the party chargeable thereby." The question was whether under that language a writing signed by a duly authorized agent would be sufficient. The general rule was conceded to be that whatever one can do by himself he can do by an agent, and undoubtedly that general rule applies to acts done in pursuance of the terms of a statute;[84] but the words under investigation were in a statute which in another sec-

[81] 2 Co. Inst. 308.
[82] 2 Bing. N. C. 776 (1836).
[83] 21 Jac. I, c. 16.
[84] In re Whitley Partners, 32 Ch. D. 337 (C. A. 1886).

tion recited the seventeenth section of the statute of frauds,[85] which section says that the memorandum required by it shall be "signed by the parties to be charged * * * or their agents," and it was evident that the statute in question and the statute of frauds were in a sense a series. In the statute of frauds a distinction is constantly taken between instances where agency is allowable and instances where it is not. Consequently it was held that the enactment in question did not give efficacy to a writing signed otherwise than by the very person; Tindal, C. J., for the court, pointing out that the distinction is taken throughout the statute of frauds, and saying: "We find the seventh section of this same statute recites the seventeenth section of the statute of frauds, so that the legislature must have had in their view, at the very time of passing this statute, and therefore must have intended, the distinction between writings signed by a party, or signed by his agent."

Seventhly, even when words are unambiguous and harmonize well with the declared intent of the statute, they are to be construed as not applying to a state of facts within their apparent meaning, in case the court be convinced, by a sort of judicial notice, that the facts do not come within the actual legislative intent. This seems to be a necessary doctrine, for surely there should be judicial power to declare that the saloon keeper whose saloon doors have been opened by an earthquake is not liable to the penalties which a statute may provide, without qualification, for any saloon keeper whose saloon is on the Sabbath found to be open. Clearly, however, it is a perplexing doctrine, as is sufficiently shown by the diversity of decisions upon the criminal responsibility of morally innocent persons who sell diseased meat, and the like, and are prosecuted under statutes which provide fine or imprisonment as the consequence of the sale of such an article, and which fail to take into account possible innocence—a natural diversity of decisions, since on the one side lies the general assumption that morally innocent persons are not to be punished criminally, and on the other side lies the

[85] 29 Car. II, c. 3.

obvious fact that what the legislature may well wish is to prevent the sale of deleterious food by taking steps which will remove from the public the necessity of proving knowledge, and will place upon the seller the strongest possible motive for using extraordinary care. In the Supreme Court of the United States the case of Church of the Holy Trinity v. United States [86] has afforded an interesting instance of the exercise of the judicial power to go behind the expressed intent of the legislature, and to restrain clear language by what is taken to have been the actual intent. The question was whether employing a pastor for a church was prohibited by a statute which made it "unlawful for any person, company, partnership, or corporation, in any manner whatsoever * * * to * * * encourage the importation or migration of any alien * * * under contract * * * to perform labor or service of any kind." The court decided that the statute did not apply to the importation of a clergyman, for, though it was conceded that the relation of a rector to his church is one of service, and implies labor, and that the statute guarded against narrow interpretation by saying "labor or service of any kind," and by excepting, in one of the sections, actors, artists, lecturers, singers, and domestic servants, Brewer, J., for the court, said: "We cannot think Congress intended to denounce with penalties a transaction like that in the present case. * * * No purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. * * * Shall it be believed that a Congress of the United States intended to make it a misdemeanor for a church of this country to contract for the services of a Christian minister residing in another nation? Suppose in the Congress that passed this act some member had offered a bill which in terms declared that * * * such contract should be adjudged unlawful and void, and the church making it be subject to prosecution and punishment; can it be believed that it would have received a minute of approving thought or a single vote?" The decision pro-

[86] 143 U. S. 457, 12 Sup. Ct. 511, 36 L. Ed. 226 (1892).

ceeded also upon the ground that the title of the act spoke only of agreements "to perform labor," and thus suggested manual labor only, and upon the ground that the evil to be remedied was notoriously the importation of unskilled laborers, and upon the ground that this was shown by the petitions and testimony laid before Congress, and by the report of one of the committees recommending the passage of the bill; but the chief ground upon which the decision proceeded was the peculiarly important one just now discussed.

(B) Circumstances Strengthening or Weakening Preliminary Conclusions as to the Real Effect of a Statute.

§ 48. The Necessity for Going Beyond the Rules of Construction.

Even if the enumeration of rules of construction were complete, as it certainly is not, it would be necessary to caution the investigator that mere rules of construction, however skilfully applied, cannot tell all that it is necessary to know about a statute's effect and weight. The more important additional topics for examination will now be distributed, after the fashion adopted throughout this discussion, into somewhat arbitrary groups.

§ 49. First Group: Mode of Ascertaining Precise Terms of Statute.

It is not always advisable to assume the precise accuracy of the terms of the statute as given even in an official publication.

First, when a revision has not been adopted as a statute, it is well to examine the session laws in order to ascertain the exact terms, including in some cases the punctuation.

Secondly, in important cases it may be well to check the session laws by examining the legislative records.

Thirdly, even when a revision has been adopted as a statute, it may be well to go back to the session laws [87] and

[87] See Conger v. Barker's Adm'r, 11 Ohio St. 1 (1860), and In re Hinton's Estate, 64 Ohio St. 485, 60 N. E. 621 (1901).

the legislative records, and then to discuss whether changes found in the revision were intended to make a change in the law; and in this investigation it may be useful to examine the drafts and annotations and reports prepared by the commissioners who made the revision.

§ 50. Second Group: Validity of Statute.

After the precise terms of the statute are ascertained, it cannot be safely assumed that the statute has the effect which the legislative body desired.

First, the statute may be unconstitutional, and hence void. This is a question in constitutional law, under such heads as "Impairing the Obligation of Contracts," "Due Process of Law," "Commerce," "Eminent Domain," "Taxation," "Ex Post Facto Laws," and "Police Power."

Secondly, the statute may be void for repugnancy.

§ 51. Third Group: Subsequent Legislation.

Although the terms of the statute are ascertained, and the statute cannot be attacked on the ground of original invalidity, subsequent legislation may have affected it fatally, or at least substantially.

First, a state statute may have been superseded by a statute of the United States. This is a very intricate problem discussed in works on Constitutional Law.

Secondly, the statute may have been expressly repealed. This is an easy matter to ascertain, as in every jurisdiction there are probably lists of repealed statutes in an appendix to each volume of the session laws, or in some other readily accessible place.

Thirdly, the statute may have been repealed by implication. This is a point not usually covered by lists of repealed statutes. The doctrine of repeal by implication is difficult to apply, and is not favored by the courts.

Fourthly, the statute may have been amended. Amendments are not difficult to discover, as they are commonly listed in the same place as express repeals.

§ 52. Fourth Group: Construction Already Made.

Finally, it may be found upon investigation that the prop-

er construction of the statute is not wholly an open question.

First, the statute may have been already construed by decisions in the courts of the jurisdiction in which the statute is in force. Such decisions, within the rules explained above in the discussion of the use of decisions, are of either imperative or persuasive authority; and, if of imperative authority, they become, in effect, part of the statute itself, and thereafter preclude inconsistent constructions, with the limitation that such decisions, like all decisions, are capable of being overruled. The judicial constructions of some statutes have been so numerous as to have become at least as important as the statutes themselves. This is true of the statute of frauds. Now and then judicial construction is carried on in such a hostile spirit that statutes are in effect abrogated or at least amended. Thus by judicial action the statute of limitations was practically amended through the creation of the doctrine of new promises. It should be added, as indicated by what has already been developed in discussing decisions, that the construction placed upon federal statutes by the federal courts is binding upon the state courts, and that the construction placed upon a state statute by the court of last resort of that state is followed in the federal courts, unless it be obviously wrong, and that on a question of property even an obviously wrong construction by the state court would be likely to be followed in case it could be said to have become a settled local rule.[88]

Secondly, if the statute was copied from a statute already in force in another jurisdiction, it is understood to have been adopted with the construction which the courts of that jurisdiction had already attached to it. It should not be inferred, however, that subsequent decisions in that jurisdic-

[88] See Williams v. Kirtland, 13 Wall. 306, 20 L. Ed. 683 (1871); Burgess v. Seligman, 107 U. S. 20, 33, 34, 2 Sup. Ct. 10, 27 L. Ed. 359 (1882); Bauserman v. Blunt, 147 U. S. 647, 13 Sup. Ct. 466, 37 L. Ed. 316 (1893); Forsyth v. City of Hammond, 166 U. S. 506, 518, 519, 17 Sup. Ct. 665, 41 L. Ed. 1095 (1897).

tion are of any greater influence than decisions in any other jurisdiction.[39]

Thirdly, when a statute has been adopted by a number of states which are attempting to establish, as to some matters, at least, a uniform system of law, the decisions of any one of these states as to the construction of the common statute cannot avoid being treated with unusual attention; for the initial uniformity would easily be overthrown by discordant constructions. At present this line of thought is especially applicable to the negotiable instruments law, already adopted in many of the states.

Fourthly, although a statute may never have been construed judicially, a certain construction may have been long followed by the persons to whom the statute is peculiarly applicable—for example, by public officials—and in such a state of facts the court will attempt to uphold the construction thus adopted.

(C) Last Words as to the Use of Statutes.

§ 53. English Statutes.

As the discussion of statutes has been intended to cover only topics of practical importance, matters of purely theoretical or antiquarian interest have been omitted. Hence nothing has been said upon the extent to which English statutes adopted before American independence were once in force in the American colonies, and are now, unless repealed, in force in the states. Upon this topic there is difference of opinion, but in each state the matter is probably thoroughly settled by statute or by judicial decision.[40]

§ 54. Constitutions and Ordinances.

The preceding discussion as to statutes has been directed chiefly toward statutes, strictly so called, as distinguished from constitutions and ordinances. Yet the greater part of the discussion is applicable to those other kinds of written law.

[39] Cathcart v. Robinson, 5 Pet. 264, 280, 8 L. Ed. 120 (1831).

[40] See Pierson v. Lane, 60 Iowa, 60, 14 N. W. 90 (1882).

IV. CONCLUSION.

§ 55. The Limits Placed upon This Discussion.

The discussion as to the use of decisions and statutes might easily include a definition of the nature of law, a presentation of the theory and history of the growth of legal institutions, and an argument upon the mooted question whether the courts actually make law; but the purpose has been to confine the discussion within the practical needs of a brief maker. As the rules given are part of the everyday working tools of the profession, it is not extraordinary that they are reasonable, and that they are usually free from dispute. In case the reader should have need of going further into this line of thought, the cases, digests, and treatises cited in the footnotes will be of assistance; but in truth the only way to master these rules and to make them really useful is to use them in actual practice, constantly applying them in the making of memoranda as suggested at the outset.

§ 56. The Need of Bearing in Mind the Purpose of Law.

It is certain that some parts of the discussion have seemed to be technical and narrow. Yet the reader must have noticed that, notwithstanding apparent narrowness and technicality, our system of law, as actually developed, whether through statutes or through decisions, constantly tends, by the aid of counsel and judges, to come into harmony with contemporary beliefs and needs. Hence arises the final caution that, although the lawyer in using decisions and statutes must not forget any of the rules explained in the course of this discussion, all of which rules are in fact known and applied throughout the profession, he must not be too technical in argument, and must not forget to present his views of decisions and of statutes in such a way as to deserve the approval of judges anxious to avoid frivolous distinctions and to promote uniformity, convenience, and justice.

PART III.

AMERICAN LAW PUBLICATIONS.

By ALFRED F. MASON,

Editor, American Law School Review.

I. INTRODUCTION.

§ 57. Depositories of the Law.

II. BOOKS OF PRIMARY AUTHORITY.

58. Constitutions.
59. Treaties.
60. Legislative Enactments.
61. Statutes or Session Laws.
62. Compilations and Revised Statutes.
63. Codes.
64. United States Statutes.
65. Ordinances, Government Orders, and Regulations.
66. Rules of Court.
67. Reports of Judicial Decisions.
68. Federal Reports.
69. State Reports—Official Series.
70. State Reports—Nonofficial.
71. Citations.
72. List of Reports.

III. BOOKS OF SECONDARY AUTHORITY.

73. Text-Books.
74. Digests.

I. INTRODUCTION.

§ 57. Depositories of the Law.

To the American law student, who for the first time endeavors to use a fully equipped modern law library, a difficult task presents itself. He finds himself confronted with long series of statute books, compilations and revisions of statutes, codes, thousands of volumes of reported decisions, supplemented by numerous digests and abridgments, trea-

tises and text-books on different special topics of the law, law dictionaries, cyclopædias, and other books of general reference, with an endless variety of miscellaneous works, and new and constant additions to all, in numbers far surpassing the energy and capacity of the reader.

The diversity is as discouraging to the beginner as the quantity of books. Differences in nature, scope, and contents, in purpose and in use, in method, structure, and arrangement, in relative value and authority, confuse and mislead a person not adequately informed as to these matters.

The average law school student is disposed to accept as law everything his instructors state to be the law, and to consider as conclusive the statements made by text-book writers. "The instruction given by a capable law teacher, the advice and suggestions of an intelligent and experienced practitioner, the statements of a careful text-writer, are of great value to the student. Their views may be in a high degree clear and accurate, yet the student should bear in mind that neither law teachers nor practicing lawyers nor text-writers are the authorized repositories of the law. It is in the law library that these repositories are to be found." [1]

In the practice, quite as much as in the study of law, recourse to the books is imperative. Even though a lawyer has a thorough knowledge of the rules and principles of law, he must refer continually to the cases in which they have been developed as guides in their application to new cases.

Preparation for this work may well be regarded as an important part of legal education. This view was forcibly presented in an address before the American Bar Association in 1894 by the Honorable Simeon E. Baldwin. Referring to the study of digests and reported cases, as indispensable to the practitioner, Judge Baldwin continued: "One great aim of legal education for America, then, must be to teach how best to handle such books, so as to get the most out of them, and to be able to present it in the most effective way. The scholar must learn to search out what he wants intelligently, quickly, and accurately. He must learn where

[1] Woodruff's Introduction to the Study of Law, p. 8.

to go and when to go, what to look for, and how to read it." [2]

"To the American practitioner the law exists in three great departments. Enumerated in the order of the frequency of their occurrence in practice, they are state law, general law, and federal law. The state and federal Constitutions, statutes, rules of court, and reports are the authorities which decide questions of state and federal law, while the general law authorities are English text-writers, statutes, and records anterior to our independence, and the entire reports of all English-speaking lands." [3] A question of law must be first referred to its proper department, and, when that reference is made, it is then in order to search the lawbooks of that department for the desired answer. When no rule of decision can be found in these books, the question is generally decided by the reason of the general law. "It is important to impress upon the young practitioner at the outset that it is only in exceptional instances that the law is discovered by theorizing and reasoning. He should abjure the conceit that he can forego enactments and reports and guess at a rule of law whenever he needs to know what it is. Let him always examine the sources, and ordinarily he will there find counsel which commands with almost axiomatic force either to reject or accept the particular proposition under consideration." [4] The young lawyer should learn at the beginning of his practice to settle a legal proposition by consulting the books for himself, instead of waiting for their value to be taught him in court by an opposing counsel.

American law publications may be divided into two main divisions or classes: First, those books that are the authentic repositories of the law itself, and which may be designated as books of *primary authority*. Second, those books that are published for the purpose of ascertaining and determining the law, and which may be termed books of *secondary authority*.

The publications of *primary* authority are constitutions, treaties, statutes, ordinances, government orders and regu-

[2] American Bar Association Reports 1894, p. 431.
[3] Reed's Conduct of Lawsuits, § 141.
[4] Reed's Conduct of Lawsuits, § 142.

lations, and reports of judicial decisions. Out of and around this class of publications have grown a multitude of law-books of *secondary* authority, designed in part to make accessible the law, and in part to expound it by inference, generalization, and commentary. The law digests, in their various forms, serve chiefly the purpose of directing the searcher for legal information to the exact places where it is to be found in the reports and statutes. These books should not be depended upon as conclusive in their statement of the law, for the reason that they are not authoritative, but are designed simply as indexes to and as abridgments of, the reports. Their value depends chiefly on their accuracy, exhaustiveness, and convenient arrangement. The other books of secondary authority may be roughly designated by the general term "text-books." These publications undertake to "refine the product" of the reports by generalization and deduction of abstract principles. The majority of text-books are in reality but another form of a digest, only still farther removed from the primary authorities.

II. BOOKS OF PRIMARY AUTHORITY.

§ 58. Constitutions.

Copies of the Constitution of the United States, the fundamental law of the land, are easily obtained. Besides being published and distributed by the government, the federal Constitution is generally printed by the different states in connection with the compilations of their own constitutions and laws that appear every few years. Accurate copies of the Constitution of the United States, together with the amendments, may be found in all of the text-books and most of the books of selected cases on American Constitutional Law. The Compiled Statutes of the United States of 1901 contains a copy of the federal Constitution, each section and paragraph being annotated by reference to all decisions construing the same from the beginning to 1901. The Declaration of Independence, the Articles of Confederation, and the Ordinance of 1787 are also given in that publication.

The leading text-books bearing on the subject of the fed-

eral Constitution are Story on the Constitution of the United States, in two volumes; Tucker on the Constitution of the United States, in two volumes; the one-volume works of Pomeroy, Black, and Cooley on Constitutional Law. American Constitutional History is treated in the well-known masterpiece of Dr. H. von Holst, in eight volumes, and in Thorp's Constitutional History of the United States, in three volumes.

Copies of state Constitutions are usually found fully annotated in the latest compilations of the statutes of the different states. The acts of Congress authorizing state government are also generally given in these compilations.

A standard compilation that is indispensable to any one who needs to examine the organic laws of the various states is the work of Ben: Perley Poore, entitled "Federal and State Constitutions." In this work under each state the first organic law is given, whether the same be a charter, or treaty with a foreign power, or act of Congress establishing a territorial government; and then follow in order the Constitution or Constitutions of the state, and the amendments, if any.

The leading work treating of the making of Constitutions is Jameson on Constitutional Conventions, while Judge Cooley's celebrated book entitled "Constitutional Limitations" treats of the effect of Constitutions after they have become adopted.

§ 59. Treaties.

The subject of treaties is, generally speaking, not very important in practice. Now and then, however, occurs a case which turns upon the provisions of some particular treaty, and the uninformed lawyer is likely to have difficulty in finding the information he desires.

All treaties made by the United States government may be found in the United States Statutes at Large, under the particular year and Congress when they were concluded. All treaties made from 1776 to 1871 are printed in the Senate Executive Documents, 41st Congress, 3d Session, Doc. 36, Serial No. 1,441.

A complete collection of the treaties between the United States and foreign countries was published by the government in 1889 under the title "Treaties and Conventions Concluded Between the United States of America and Other Powers Since July 4th, 1776."

The latest compilation of treaties between the United States and foreign powers was prepared under the resolution of the United States Senate of February 11, 1904. It contains the treaties and conventions, important international acts, agreements and protocols (except claim protocols), to which the United States is a party, in force on April 28, 1904.

The government has published, under the title "Indian Affairs, Laws and Treaties, Compiled to December 1st, 1902," a valuable two-volume work, which contains an accurate compilation of all treaties, executive orders, and other matters relating to Indian affairs from the organization of the government to the date of publication. This work contains everything necessary to a proper understanding of Indian legislation.

In addition to the publications of the treaties themselves by the government, the proper place to look for information as to the nature and grounds of the obligation, the power to make treaties, their duration, termination, construction, violation, etc., is in the standard text-books on international law, and in the cases decided by the federal courts.

The two-volume work of Mr. Charles Henry Butler, entitled "The Treaty-Making Power of the United States," should also be mentioned in this connection as a publication of value.

§ 60. Legislative Enactments.

Within this term are included the session laws or statutes, revised statutes, compilations, and codes.

As the statutory law increases from year to year, it is difficult for legislative bodies and for the public in general to ascertain what laws have been enacted. The ignorance of members of Congress and of state Legislatures of pre-existing statutory law is much greater than is generally supposed,

and often leads to the making of serious blunders in making new laws. Laws that have been enacted by Congress and by the Legislatures of nearly every state in ignorance of already existing laws relating to the same matter bear evidence to the truth of this statement. As the accumulation of statutory law increases, the danger of blundering necessarily increases in proportion. After laws have been passed by legislative bodies, the work of interpreting and applying these enactments falls on the lawyer and on the court, and it is therefore a very important matter for the legal profession to be able to ascertain what statutory laws have been enacted, what amendments have been made, and what laws have been repealed. The methods adopted to mitigate this uncertainty are those of compilation, revision, and codification.

§ 61. —— Statutes or Session Laws.

The laws enacted by the several legislative bodies are usually termed acts or statutes, and at the close of the session they are published in permanent volumes, and designated as session laws of the year in which the session of the Legislature took place, as, "Session Laws of 1905." In these publications each of the several acts is usually designated as a chapter. The act of April 10, 1905, for example, would then be referred to as "chapter — of the Session Laws of 1905."

§ 62. —— Compilations and Revised Statutes.

The title given to the general compilation of the statutory law varies more or less among the states. In nearly all the states, however, there are compilations or revisions of the statutes, and in some states there are codes.

A compilation of the statutes of a state is the bringing together and arranging in a methodical manner all the existing statutory law.

A revision of the statutes of a state is where the statutory law has been revised, collected, and arranged in order, and then re-enacted as a whole by the Legislature.

§ 63. —— Codes.

A code is a complete system of positive law, scientifically arranged, and promulgated by legislative authority. A code is not only a compilation of the existing statutory law, but also of much of the unwritten law on any subject, and is composed partly of such materials as might be at hand from all sources—from statutes, cases, and from customs—supplemented by such amendments, alterations, and additions as are deemed by the codifiers necessary to harmonize and perfect the existing system. In fact, in making a code, new laws may be added and old laws repealed in order to constitute a complete system. There are few terms in our system of jurisprudence that are applied to so many different things as the word "code." State Legislatures here and there have given the name indifferently to compilations of existing statutes, to consolidations of statute law into a more or less systematic form, and to revisions of the whole law, both written and unwritten, and the reduction of its principles to a clear, compact, and scientific enactment. The latter is, speaking exactly, codification, properly so called.[5]

§ 64. —— United States Statutes.

The enactments of Congress form the statutes of the United States. At the end of each session of Congress the government publishes in pamphlet form all bills that have been passed, arranged chronologically together with treaties, concurrent resolutions, and proclamations of the President. These pamphlets are entitled "Statutes of the United States," and are commonly referred to as the "Pamphlet Laws," and are distributed by members of Congress to their constituents without charge. At the close of each Congress all the laws that have been passed during the entire term, the treaties, resolutions, and proclamations, are compiled from the Pamphlet Laws, and are republished in book form by the government, and are sold by the Secretary of State. These books are known as the United States Statutes at Large.

In 1874 it was enacted by Congress that the United States statutes, general and permanent in their nature, in force

[5] Hepburn's Development of Code Pleading, c. 1.

on the first day of December, 1873, should be compiled and published in one volume. This work was accomplished, and the book published in 1875 was entitled the "Revised Statutes of the United States."

A few years later a second edition, known as the "Revised Statutes of 1878," was published.

From 1874 the matter contained in subsequent volumes of the Statutes at Large was collected and published in successive supplements, which are practically a condensation of the Statutes at Large.

As these supplements and the volumes of the Statutes at Large accumulated, the search to ascertain the law in force became laborious and uncertain, not only from the increasing number of volumes to examine, but because many of the provisions in them had been repealed or superseded or amended by later provisions.

In 1901 the confusion and disorder was remedied, by the publication of a new three volume compilation known as the Compiled Statutes of the United States of 1901, covering all the United States laws of a general nature from 1789 to the close of the Fifty-Sixth Congress, March 4, 1901. In this publication the laws are arranged by subject-matter, and it is only necessary to look in one place for the law on a given point. The section numbering of the Revised Statutes of 1878 has been preserved, so that citations to that publication can be readily used.[6]

Cumulative Supplements to the Compiled Statutes of the United States are published every two years. The latest Supplement published embraces the statutes of the United States of a general and permanent nature enacted since March 4, 1901, and in force March 5, 1905.

There is also in course of publication a new compilation of the federal statutes, entitled "The Federal Statutes An-

[6] In preparing this new compilation the editors found many proofs that the former complexity of bills passed was too much for Congress itself to unravel. They discovered that amendments had been made to laws that had been previously repealed; that amendments had been made that overlooked previous amendments; that new laws had been passed that re-enacted existing but forgotten laws, etc.

notated," which has been announced as a ten-volume work.

Every law student and lawyer should be familiar with the latest code, compilation, or revision of the statutes of his own state and of the United States, and should be acquainted with all the older compilations containing statute law ever in force at any time. These older statute books are important, for it is often necessary to recur to them to correct mistakes or omissions in more recent works, or to construe the later statutes in the light of older ones which have been repealed.

§ 65. Ordinances, Government Orders, and Regulations.

Municipal ordinances are publications of primary authority, as are also the written executive and administrative orders and regulations drawn up and issued by the government, e. g., the army and navy regulations. These orders and regulations may not be law in the strict sense, but they have the force of law, and when recognized by statute they become a part of the statutory law.

§ 66. Rules of Court.

Rules of court practice also come under the general head of primary authority. The rules of practice made by the United States courts are really a part of the statutory law of federal procedure, and therefore are of great importance. The treatises on Federal Practice and Procedure serve best to introduce the student to them, and most of these books attempt to set out the different rules to some extent; but it is impossible at the present time to obtain a complete set of the rules of the various United States courts. The rules of the several United States District Courts differ from each other, and the rules of the several United States Circuit Courts differ from one another, as do the rules of the various United States Circuit Courts of Appeals. Even lawyers who devote their entire time to practice before the federal courts are often unable to give specific information as to the federal court rules, and most of them do not pretend to any compendious knowledge of what these rules really are. The usual practice is to "ask the clerk."

The jurisdiction of the United States courts, the method of procedure therein, their peculiar rules of decision, the removal of causes from state courts to federal courts—these and like matters form a very important part of federal law to the practitioner, and for many reasons should be familiar to even those lawyers who confine their practice to the courts of their own state.[7]

An excellent book on Federal Jurisdiction for the beginner is the collection of lectures delivered many years ago before the Harvard Law School by the late Justice Curtis, of the United States Supreme Court. Mr. R. M. Hughes' Hornbook on the Jurisdiction and Procedure in United States Courts is the latest work on the subject, and is especially useful to the young lawyer.

On the important subject of Removal of Causes the standard work of Judge Dillon became practically obsolete some years ago, owing to the radical changes in the law caused by the legislation of Congress, and the great accumulation of new cases under the act of 1887. This book was placed in the hands of Mr. Henry Campbell Black to be rewritten, and the work was completed and published in 1898 under the title of "Black's Dillon on Removal of Causes." Later a treatise was published by Mr. B. C. Moon.

Every lawyer should be provided with the copies of the rules of the Supreme Court and the trial and intermediate courts in force in his own state. These rules can usually be found in the books on local state practice. Text-books treating of the law of a particular state are generally on some subject of practice, which is nearly everywhere the creature of the local law, and for that reason these books are sometimes of great importance to the local practitioner.

§ 67. Reports of Judicial Decisions.

Among the principal authorities in law are decided cases. When a case has been decided upon its merits by a tribunal of last resort, such decision not only determines the rights of the parties to the suit, but it also settles the principles involved as permanent rules of law, applicable in all future

[7] Reed's American Law Studies, § 923.

cases in the same jurisdiction embracing similar facts, and involving the same analogous principles, unless it has been overruled by later decision, or, unless, as Blackstone says, it is "flatly absurd and unjust."

A case decided is called a precedent, and becomes at once public law, which under many circumstances binds a court to make the same decision in a future similar case.

In England and America there is no general code of law, "nor would a code reduce the number of volumes of our reports, for with the code would come the commentator, and in the expounding of the code and its principles would result the decisions of the courts. We have this vast, comprehensive system known as the 'common law,' with all its wonderful details and particulars; hence, to know the law and its principles, we must have the reports of the decisions of the courts." [8]

By adherence to the maxim of stare decisis the rules of law which have been declared by the courts of England and America have become well known, and generally acted upon. Lawyers can advise their clients with comparative safety, and the unwritten law, which otherwise would be vague, shifting, and changeable, has become certain and stable, the measure of private right, and the landmark of property.

In England the opinions of the judges, as a general rule, are not written, but are stated orally by the judges in open court, together with the reasons for their decisions. Law reporting in England, therefore, is arduous and complex, requiring ability of a peculiar character on the part of the reporter. Lord Coke tells us that his style of reporting was to listen to all which was said by counsel and the judges on one side and on the other, and then to give in his own form of words and order the substance of the entire argument on the one side and on the other, followed by the conclusion to which the court arrived. While this great lawyer has left reports which are monuments of legal learning, it is evident that such a method of reporting, pursued by an incompetent person, could produce nothing of real value.

[8] New York State Bar Association Reports 1904, p. 96.

"In England, therefore, there are reports of all sorts of merits, made by all sorts of persons, in all sorts of styles."[9]

With the exception of a comparatively short period during the time of the Year Books, no governmental provision has been made in England for reporting the decisions of the courts, and all that has been done in this way has proceeded from private enterprise.

As it is not the work of the reporters that is authoritative, but rather the language of the judges, the better practice has prevailed in this country of having written opinions filed by the court; thus insuring the accurate publication of the very words of the judges. The decision of a judge, constituting an authentic exposition and interpretation of the law, which is binding on every citizen, becomes part of the court record, and, as an enunciation of the law, is public property, and free for publication by all.[10]

The publication of written decisions tends to exactness and presupposes thorough consideration. It is the surest method of detecting a fallacy and uncovering an error, which might pass muster if the case be decided orally or not made public. Publicity in the reason of the action of the court, as well as in its results, tends to exactness in fact and soundness in judgment. The published reasons and conclusions of a court of final resort are a restraint upon judicial tyranny, as well as judicial corruption.

Edmund Burke said: "To give judgment privately is to put an end to reports, and to put an end to reports is to put an end to the law of England. It was fortunate for the constitution of this kingdom that in the judicial proceedings in the case of ship-money the judges did not then venture to depart from the ancient course. They gave their judgment in open court. Their reasons were publicly given, and the reasons assigned for their judgment took away all its authority."

In the United States the reporting of judicial decisions has been carried on in various ways. It is common in most states to have a court reporter, appointed for the purpose by

[9] Bishop's First Book of the Law, § 153.

[10] Banks v. Manchester, 128 U. S. 244, 9 Sup. Ct. 36, 32 L. Ed. 425.

the court, and paid out of the public treasury. In some states, however, the office is an elective one, and in one state the Supreme Court reporter is appointed by the public printer. In each jurisdiction the decisions of the courts are published in separate series, and these sets of books, which are usually subsidized by the government, directly or indirectly, are called "official," to distinguish them from the reports of the same cases published by private enterprise. The official reports of the different states vary greatly as to the style, form, accuracy, and completeness, according to the experience and ability of the particular reporter, and the plan or system under which the cases are published. In America, as in England, there have been numerous nonofficial and nonsubsidized law reporting enterprises. In this country, where the decisions of every state are a matter of serious concern in every other, and the law in every state is derived from the same source and is based on the same principles, the demand of the bar at large has been for years for a common plan of systematic law reporting, and a uniform system of headnotes and digest, that would enable the lawyers of the whole country to become familiar with the decisions of every part of it.[11] Thus the success of the nonofficial law reporting enterprises in this country is due to the intrinsic merit of their work, and to the demand for a systematic and uniform plan of reporting at a low cost to the profession.

It is the custom to publish in book form the decisions of all the United States courts and the decisions of the courts of last resort and most of the intermediate appellate courts of all the states.

§ 68. —— Federal Reports.

The Constitution of the United States provides that "the judicial power shall be vested in one Supreme Court, and such inferior courts as Congress may from time to time ordain and establish." We therefore have in our national judiciary, first, the Supreme Court of the United States, es-

[11] Report of American Bar Association 1898, p. 440.

tablished by the Constitution, and not subject to the action of Congress; and, next, the following tribunals established by Congress, and over which Congress has complete control —the United States Circuit Courts of Appeals, the United States Circuit Courts, the United States District Courts, the territorial courts, the courts of the District of Columbia, the bankruptcy courts, and the Courts of Claims.

The reports of the decisions of the United States Supreme Court go back to the year 1790. From that date to 1874 there were 90 volumes published, and it is the custom to cite these volumes by the name of the particular court reporter under whose direction the books were issued. During that period of eighty-four years there were seven persons who acted in the capacity of United States Court reporter, and the names of these reporters have become very familiar to the American lawyer. The dates and numbers of volumes published under their direction are as follows:

	Date.	Vols.
Dallas' Reports	1790–1800	4
Cranch's Reports	1801–1815	9
Wheaton's Reports	1816–1827	12
Peters' Reports	1828–1842	16
Howard's Reports	1843–1860	24
Black's Reports	1861–1862	2
Wallace's Reports	1863–1874	23

The reports of Wallace are the last to be officially cited by the name of the court reporter; and in 1875, beginning with the term of the next reporter, whose name was Otto, the volumes of the United States Reports are designated and cited by number, beginning with volume 91, and continuing 92, 93, 94, etc., to the last volume issued to date. The official reports are published first in advance parts, and later in bound volumes. There are several other editions of the United States Supreme Court reports. One of these series, known as "Curtis' United States Supreme Court Decisions," covers the cases reported in 1 Dallas to 17 Howard in 22 books. This series is continued by "Miller's United States Supreme Court Decisions," covering 18 Howard to 2 Black, in 4 books.

The Lawyers' Edition of the United States Reports is published in "books," several volumes in a book. The series

(which is annotated) begins with 1 Dallas, and continues to date, with advance sheets giving prompt reports of the current decisions.

The United States Supreme Court Reporter is a part of the National Reporter System. It begins with volume 106 of the United States Reports, and continues to date; one volume being published each year. In this series the decisions are first published in the form of advance sheets, during the term of court (from October to May); then the bound volume is published, containing in full a report of all the cases decided during the year.

In 1789, immediately after the adoption of the federal Constitution, the United States Circuit Courts were established by Congress. The whole country was divided into districts, and the several districts were grouped so as to form circuits. At present there are in the United States seventy-four districts, arranged in nine circuits.

As the business of the United States Supreme Court was increasing to such enormous proportions that the court could not dispose of it, an act was passed by Congress in 1891 establishing in each circuit a Circuit Court of Appeals, the purpose of which was to relieve the pressure on the Supreme Court.

The cases coming before these Circuit Courts of Appeals are mostly cases that would otherwise have gone to the Supreme Court. Most of their decisions are final, but some may be further appealed to the Supreme Court.

All the decisions of the United States Circuit Courts and the United States District Courts since 1880, and of the United States Circuit Courts of Appeals, from the organization of these courts, are reported in the Federal Reporter, and most of them nowhere else.

Until 1880, the date when the Federal Reporter was established, the decisions of the United States Circuit Courts were not published in any systematic manner. If a decision was exceptionally noteworthy, it would probably in some manner find its way into some of the legal magazines of the time. If not, it would never be published at all.

There were various attempts made to publish a separate series of reports for each circuit, but this manner of reporting was not satisfactory to the profession, and after the establishment of the Federal Reporter, in 1880, one by one these different series of reports ceased to be published.

These early reports, published in separate series by circuit, were not only incomplete, but they became difficult to obtain, and were very expensive; a full set costing about one thousand dollars. The demand for a complete and continuous series of the lower federal court decisions from the very beginning resulted in the publication of one of the most finished and satisfactory set of legal reports ever printed—the Federal Cases. This series of thirty-one large volumes (including a digest) is an annotated reprint of all the decisions of the United States Circuit and District Courts from the earliest times to 1880, the date of the establishment of the Federal Reporter, with which it connects.

The Federal Cases contain some 18,000 cases, including all those reported in the 150 volumes of old Circuit and District reports, and nearly 5,000 important decisions reported from legal periodicals, and about 1,800 cases reported from manuscripts, and thus rescued from oblivion and made accessible to the profession for the first time. All the cases are arranged alphabetically by title, making it a simple matter to find a decision, in whatever form it may be cited.

When the United States Circuit Courts of Appeals were organized, in addition to reporting their decisions in the Federal Reporter, a separate series of reports was commenced for the exclusive reporting of these cases. This series was called the "Circuit Courts of Appeals Reports." It is still being published, containing many excellent notes.

For a number of years the decisions of the United States Circuit Courts of Appeals were also published in a series known as the "United States Appeals Reports." In 1899, however, after 63 volumes had been published, the series was discontinued, and is now practically obsolete.

There are, in addition to the foregoing reports of the United States Courts, special series of reports of the Court of Claims, the bankruptcy courts, and the courts of the District of Columbia.

§ 69. —— State Reports—Official Series.

From the earliest times it has been the custom in each state to publish the reports of the highest court in a separate series, entitled briefly after the name of the state—for example, "Massachusetts Reports," "Alabama Reports." The first American state reports published were those of Mr. Kirby, comprising cases adjudged by the Superior Court of Errors of Connecticut, beginning in the year 1785. In 1814 the Connecticut General Assembly passed an act authorizing the Superior Court of Errors to appoint a reporter of their decisions. Under this act Mr. Thomas Day became the first official American court reporter. In early times it was common to give the volumes of reports the name of the court reporter through whom they were issued —for example, "Day's Reports" (Connecticut), "Cushing's Reports" (Massachusetts), "Grattan's Reports" (Virginia). The names formerly applied are in most instances still retained locally for those particular volumes. For many years, however, it has been the custom in most states to designate the volumes of reports consecutively by number —for example, "145 Massachusetts," "93 Virginia."

§ 70. —— State Reports—Nonofficial.

The bulk of American case law increased so rapidly that the lawyer of average means could not afford to purchase for his own use the reports of all the different states. Over 5,000 volumes of state reports have already been published, and the number is increased each year by about 150 additional volumes.

In 1879 a method of systematic nonofficial law reporting was inaugurated in this country, by the establishment of the first Reporter of the National Reporter System. The theory upon which this system of reporting is based is that of combining into one periodical publication the current Supreme Court reports of a group of neighboring states. This interstate co-operation made it possible to give out the decisions promptly on their filing, instead of its being necessary to hold them for a year, or perhaps for two or three

years, in order to gather enough material in one jurisdiction for a bound volume;[12] and the wide clientage secured by making each Reporter cover a group of states assured sufficient financial returns to make the subscription price very low. The System rapidly developed, until within a few years it evolved into a comprehensive enterprise for supplying the profession with current and systematic reports, and all the decisions of federal and state courts of last resort, at a rate less than one-fourth their former cost.

The plan of prompt and economical publication, based upon a combination of courts for material, and the co-operation of the lawyers of several states for support, was extended, until in January, 1887, the seven State Reporters, each covering a group of neighboring states, formed together a National Reporter System, which embraces the courts of last resort of all the states, together with two other Reporters covering all the federal courts.[13] This flexible arrangement enabled a subscriber to take, if he wished, simply the Reporter which included his own state, or, if he wished, to extend his subscription so as to include the entire system.

By reason of the fact that the reports of the whole country are published in a single system, it became possible to adopt a common system of headnotes, and a general, uni-

[12] The "official" state reports are usually issued in bound volumes only, and hence they are necessarily many months, if not, as in some instances, years, behind, since they must wait for enough decisions to accumulate to make the required number of pages for a bound volume. In the Reporters the decisions are published within a few weeks after filing, in the form of advance sheets, and in bound volumes on an average of every four months. This method has been adopted by the official reporter in some of the larger states, following the example of the Reporter System.

[13] The back volumes of the National Reporter System make a complete report of American case law from the time the System was established. By actual count, the number of cases reported to 1904 is 848,121. The total number of cases before the time of the Reporter System is 364,222, so that to-day (1905) the Reporters make available one-half of all American cases from the beginning; and this, being the latest half, includes the authorities most frequently needed and cited.

form plan of reporting.[14] The Reporters supply in about 25 volumes per annum matter which makes some 150 volumes of state reports, all cases being published upon which there is a written opinion.[15] The decisions are published in two editions—first in pamphlet form, as advance sheets, and later in bound volumes. Before the cases are printed in the permanent, bound edition, the judges very generally revise their opinions, correcting any errors that may have occurred in the first report; thus making the System practically "official" in everything except in name.

[14] In most states the office of court reporter is quasi political, and the selection is due, often, not to any special fitness on the part of the applicant, but to his political influence, while the editorial work in the Reporters is done by trained men, who make it their regular occupation, and who are selected with a view to their special fitness for the work. The fact that the "official" state reports are edited and published by public officers, and in every state these officials are working independently of each other, each with his own theory of law reporting, makes it impossible that either editorial or mechanical uniformity can ever be obtained in these disassociated series; and each series is full of inconsistencies as each new court reporter has departed from the practice of his predecessor. In the Reporters, on the other hand, uniformity was secured naturally and without difficulty, since there soon grew up a trained editorial corps, working under one code, and developing the best ideas of reporting upon an approved theory. See Report of Committee on Law Reporting and Digesting, Reports of American Bar Association 1898.

[15] Many of the State Reports do not report all of the cases decided. For example, the reports of New Jersey omit nearly seven hundred important cases decided by the Supreme Court of that state, and which have been published in the first thirty-three volumes of the Atlantic Reporter; the reports of Pennsylvania omit over fifteen hundred cases that have been decided by the Supreme Court of that state, and which are reported in the Atlantic Reporter; the reports of California omit over two thousand cases of the Supreme Court of that state which are published in the Pacific Reporter; while the reports of Kentucky and Texas fail to report over four thousand and nine thousand cases, respectively, decided by the appellate courts in these states, which are published in the Southwestern Reporter. If all the cases that have been omitted from the official state reports that appear in the Reporters were compiled and published as a separate series of state reports, the set would number between 250 and 300 volumes.

The seven State Reporters of the National Reporter System, together with the states embraced in each Reporter, are as follows:

THE NORTHWESTERN REPORTER (established in 1879), reporting in full the decisions of the courts of last resort of Michigan, Wisconsin, Minnesota, Iowa, Nebraska, Dakota, North and South Dakota.

THE PACIFIC REPORTER (established in 1883), reporting in full the decisions of the courts of last resort of California, Colorado, Idaho, Oregon, Montana, Nevada, New Mexico, Kansas, Oklahoma, Arizona, Utah, Washington, and Wyoming.

THE NORTHEASTERN REPORTER (established in 1885), reporting in full the decisions of the courts of last resort of New York, Massachusetts, Ohio, Illinois, and Indiana.

THE ATLANTIC REPORTER (established in 1885), reporting in full the decisions of the courts of last resort of Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland.

THE SOUTHWESTERN REPORTER (established in 1886), reporting in full the decisions of the courts of last resort of Missouri, Arkansas, Indian Territory, Texas, Kentucky, and Tennessee.

THE SOUTHEASTERN REPORTER (established in 1887), reporting in full the decisions of the courts of last resort of Virginia, West Virginia, North Carolina, South Carolina, and Georgia.

THE SOUTHERN REPORTER (established in 1887), reporting in full the decisions of the courts of last resort of Alabama, Florida, Louisiana, and Mississippi.

One important effect of the National Reporter System, that has resulted in much benefit to the body of American jurisprudence, has been the harmonizing of decisions. Before its day, when decisions from other jurisdictions were more difficult of access, each court stood in a great measure by itself, and as a consequence there were many conflicting opinions, arising from the inability to know *all* the precedents. The Reporters, by making the latest decisions from the whole country easily accessible to every judge as well as to the bar at large, has reduced this conflict in a most marked manner. In the words of Judge James H. Rothrock, of the Supreme Court of Iowa, "the National Reporter System enables the courts of last resort in all the states to harmonize the law, and thus prevent, in a great degree, conflicting decisions upon doubtful questions."

In addition to the official and nonofficial reporting systems described, there are several nonofficial series of law reports that publish selected cases only.

The Lawyers' Reports Annotated began in 1888, and has now issued 69 volumes of selected cases and annotations. The platform of the series, which has been consistently followed, is—

(1) To select only those cases which give judicial form to a new principle, apply an old principle to new conditions, or include a specially valuable discussion of an important and practically useful point;

(2) To give a full, complete, and accurate original report of each case, including points and authorities referred to in counsel's briefs, where they add to its value; and

(3) To supplement these reports with annotations, taking up a specific point, with an attempt to make it include the presentation of all reported decisions upon that point.

About 600 cases are published per annum.

Each volume contains the equivalent in amount of matter of about four ordinary official state report volumes, selected from the courts of last resort of the various states and the federal courts, together with a large additional amount of text work in the annotation. There is also issued in connection with the set a supplement, "L. R. A. Cases as Authorities," which takes up the cases reported in the first 50 volumes, and traces their history, showing where used as authority in all the courts, and how regarded, and gives a brief digest of the holding of such following cases—between 50,000 and 60,000 in all—upon the points in issue; thus supplementing these earlier decisions and their annotations with the later cases founded upon them. These "authorities" are included as an appendix in volumes 1 to 50 of sets of L. R. A. as now sold.

The series of reports which the publishers sometimes style "The Trinity" consists of (1) the American Decisions, 100 volumes; (2) American Reports, 60 volumes; and (3) the American State Reports, 103 volumes at this date; and embraces selections from all the official reports of the various states for the following years: The first, from

1760 to 1869; the second, from 1869 to 1887; and the third, from 1887 to date. The cases are selected on the ground that they are of paramount importance and general value to the profession in every part of the United States. Hence those involving mere questions of practice and the construction and application of local statutes are excluded, except when questions of this character are treated in opinions dealing with other topics of such general interest and importance that they cannot be omitted, for, in the first and third of the series referred to, no omission is made from any opinion published therein. The object is a fair and adequate representation of the case law of the nation, as expressed in the opinions of the state courts, for the period embraced in the series. The syllabi are all written, with a view of stating as clearly and tersely as possible the legal principles asserted in the opinions; eliminating from such syllabi the facts with which they are sometimes intermingled in the official reports. The facts are stated in the reporting in so far as necessary to enable the reader to fully comprehend the opinion, and to determine whether any portion thereof was unnecessary to the decision of the cause. Cross-references follow each opinion, citing parallel and analogous cases, to refer the reader discovering any opinion of interest to him to all others on the same topic previously reported in the series. To many of the cases notes are appended, undertaking to fully treat some topic discussed by the court.

The publishers of both series of selected cases make their books most available by issuing at suitable intervals special digests, indexes to notes, general tables of cases with cross citations, etc.

The special annotation features of these series of reports have made them popular with the legal profession. One should not, however, expect to find all the important decisions reported in any series of selected cases, for the reason that it is impossible for a judge, court reporter, or a corps of editors to distinguish what cases are "important" to the profession, and what cases are not. A comparison of the cases published in the standard series of

selected cases, chosen from the same material, clearly demonstrates how widely capable and skilled lawyers disagree as to cases that are worthy of preservation.[16] The experience of the legal profession shows that every opinion of the appellate courts is potentially important, and should be made accessible for whatever it is worth to any inquiry or investigation in connection with future legal questions and contentions.

§ 71. —— Citations.

As lawyers are constantly referring to decided cases and citing them as authority, reference to the reports is almost invariably made by an abbreviated title. For example, "Reed v. Boardman, 20 Pick. 441," directs the reader to the case of Reed v. Boardman, at page 441 of volume 20 of Pickering's Reports of the decisions of the Supreme Court of Massachusetts. "Borders v. Kattleman, 31 N. E. 19," directs the reader to page 19 of volume 31 Northeastern Reporter. Any one who uses law books will find it necessary to know the abbreviations applied to such reports and legal publications as are most frequently used.[17]

As there are several systems for publishing the decisions of the entire country, and the cases reported are more or less duplicated, the growing custom of giving parallel citations, in law publishing, is an important matter to the profession, and in buying a new law book one of the first things to observe, in testing the thoroughness of the work, is whether it contains parallel citations to the different series of standard reports.

It may happen, when a case is cited from the official State Reports only, it is desirable to find the case in the volumes

[16] Commenting on the theory of "selection" in reporting and publishing the decisions of the courts, the late Seymour D. Thompson, in an article entitled "The Lawbook Question Analyzed," makes the following very significant and pertinent observation:

"It is a little surprising to find that two series of reports, aiming to select the most important decisions, agree so little in their selections. Only 17 or 18 per cent. of the decisions found in the L. R. A. are duplicated in the Am. St. Rep."

[17] List of law abbreviations, p. 337.

of the National Reporter System. This is easily accomplished by means of the Reporter Blue Books, published in connection with each Reporter. These books contain skeleton tables of the volumes of State Reports issued since the establishment of the Reporter, showing the page where each case begins, arranged in numerical order. Opposite this are given the page and volume of the Reporter where the case is to be found. For example, if the case of Borders v. Kattleman is cited as 142 Ill. 96, and you desire to look up the case in the Reporters, go to the Blue Book of the Northeastern Reporter, turn to the skeleton table of cases for volume 142 Illinois Reports, and in this table, opposite the number 96, will be found cited volume 31 N. E., page 19, which is the correct Reporter citation of the case in question. The Blue Books also contain alphabetical tables of the cases in State Reports with the proper Reporter citation for each.

The Blue Books are continued and kept up to date by "blue tables" placed at the back of the current bound volumes of the several Reporters.

§ 72. List of Reports.

Following is a list of the reports of the various states, showing the manner of designating the different volumes and the place where the National Reporter System connects with the local series of reports of each state.

ALASKA TERRITORY.

Only one volume of the Alaska Reports has been published, reporting the cases from 1867 to 1902. Some of these cases are also reported in the Federal Reporter.

ALABAMA.

	Date.	Vols.
Minor's Reports	1820–1826	1
Stewart's Reports	1827–1831	3
Stewart and Porter's Reports	1831–1834	5
Porter's Reports	1834–1839	9

From 1839 the volumes of the Alabama Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 140 Alabama was published in 1905.

The Southern Reporter connects with the Alabama Reports at volume 80 Alabama (December, 1886), and reports all subsequent cases.

ARIZONA TERRITORY.

The Arizona Reports date from 1866, and from the beginning the volumes have been designated by number. Volume 5 Arizona was published in 1905.

The Pacific Reporter contains all the Arizona cases from 1866 to the present time.

ARKANSAS.

The Arkansas Reports date from 1837, and from the beginning the volumes have been designated by number. Volume 71 Arkansas was published in 1905.

The Southwestern Reporter connects with the Arkansas Reports at volume 46 Arkansas (November, 1885), and reports all subsequent cases.

CALIFORNIA.

The California Reports date from 1850, and from the beginning the volumes have been designated by number. Volume 145 California was published in 1905.

The Pacific Reporter connects with the California Reports at volume 63 California (July, 1883), and reports all subsequent cases.

The District Courts of Appeals have been recently established in California for the purpose of relieving the pressure of the Supreme Court. These decisions will be reported in a separate series, and will also be reported in the Pacific Reporter.

COLORADO.

The Colorado Supreme Reports date from 1864, and continue to the present time, the volumes being designated by number. The Colorado Appeals Reports date from 1891 and continue to the present time, the volumes being designated by number. Volume 32 Colorado and volume 18 Colorado Appeals were published in 1905.

The Pacific Reporter connects with the Colorado Supreme Reports at volume 6 (December, 1883), and with the Colorado Appeals Reports at volume 1 (June, 1891), and reports all subsequent decisions of both courts.

CONNECTICUT.

	Date.	Vols.
Kirby's Reports	1785–1788	1
Root's Reports	1789–1798	2
Day's Reports	1802–1813	5

From 1813 the volumes of the Connecticut Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 76 Connecticut was published in 1905.

The Atlantic Reporter connects with the Connecticut Reports at volume 52 Connecticut (May, 1885), and reports all subsequent cases.

DAKOTA.

The Dakota Reports date from 1867 and continue to 1889, when the Territory was changed into the States of North Dakota and South Dakota. The volumes are designated by number, 1–6 Dakota.

The Northwestern Reporter contains all Dakota decisions from 1867 to 1889, and all the decisions of the Supreme Courts of North and South Dakota from their organization to date.

DELAWARE.

	Date.	Vols.
Harrington's Reports	1832–1855	5
Houston's Reports	1855–1892	9
Marvel's Reports	1893–1897	2
Pennewill's Reports	1897——	—
Houston's Criminal Reports	1856–1879	1
Delaware Chancery Reports	1814——	—

Volume 4 Pennewill and volume 7 Delaware Chancery were published in 1905.

The Atlantic Reporter connects with the Delaware Reports at 7 Houston (July, 1886), and 6 Delaware Chancery (July, 1886), and reports all subsequent cases to date.

DISTRICT OF COLUMBIA.

	Date.	Vols.
Cranch's Reports (D. C. 1–5)	1801–1840	5
Hayward & Hazleton's Reports	1840–1863	2
District of Columbia Reports (D. C. 6–7)	1863–1872	2
McArthur's Reports (D. C. 8–10)	1873–1879	3
McArthur and Mackey's Reports (D. C. 11)	1879–1880	1
Mackey's Reports (D. C. 12–21)	1880–1893	10
Appeal Cases (App. D. C. 1——)	1893——	—

The District of Columbia Reports date from 1801. To 1893 the volumes are designated by the names of the court reporters and also by number, with the exception of Hayward and Hazleton's Reports (1840–1863), which are designated by the names of the reports only. In 1893 the title of the reports was changed to Appeal Cases, the volumes being designated by number, beginning volume 1, 2, 3, etc., to date. Volume 24 Appeals District of Columbia was published in 1905.

FLORIDA.

The Florida Reports date from 1846, all the volumes being designated by number. Volume 44 Florida was published in 1905.

The Southern Reporter connects with the Florida Reports at volume 22 Florida (Jan., 1887), and reports all subsequent cases.

GEORGIA.

	Date.	Vols.
Charlton's (T. U. P.) Reports	1805–1810	1
Charlton's (R. M.) Reports	1811–1837	1
Dudley's Reports	1821–1833	1
Georgia Decisions	1842–1843	1

From 1846 the volumes of the Georgia Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 121 Georgia was published in 1905.

The Southeastern Reporter connects with the Georgia Reports at volume 77 Georgia (Jan., 1887), and reports all subsequent cases.

HAWAII.

The Hawaiian Reports date from 1847, and from the beginning the volumes have been designated by number. Volume 15 Hawaiian was published in 1905.

IDAHO.

The Idaho Reports date from 1866, all the volumes being designated numerically. Volume 8 Idaho was published in 1905.

The Pacific Reporter connects with the Idaho Reports at volume 1 Idaho (Sept., 1881), and reports all subsequent cases.

ILLINOIS.

	Date.	Vols.
Breese's Reports (1 Ill.)	1819–1831	1
Scammon's Reports (2–5 Ill.)	1832–1843	4
Gilman's Reports (6–10 Ill.)	1844–1849	5

To 1849 the volumes of the Illinois Reports are designated by number and by the names of the court reporters. From 1849 the volumes are designated by number only, beginning volume 11, 12, etc., to date. Volume 214 Illinois was published in 1905.

The Northeastern Reporter connects with the Illinois Reports at volume 113 Illinois (May, 1885), and reports all subsequent cases.

The Illinois Appeals Reports date from 1877, and are designated by number, volume 115 Illinois Appeals being published in 1905.

INDIANA.

	Date.	Vols.
Blackford's Reports	1820–1847	8

From 1847 the volumes of the Indiana Reports are designated by number, beginning volume 1, 2, 3, etc., to date.

The Indiana Appellate Reports date from 1890 and continue to the present time, all the volumes being designated by number. Volume 162 Indiana and volume 32 Indiana Appeals were published in 1905.

The Northeastern Reporter connects with volume 101 Indiana (March, 1885), and with volume 1 Indiana Appellate Reports (March, 1891), reporting all subsequent cases.

INDIAN TERRITORY.

The Indian Territory Reports date from 1896, all the volumes being designated by number. Volume 8 Indian Territory was published in 1905.

The Southwestern Reporter contains all the cases reported in the Indian Territory Reports from the beginning to the present time.

IOWA.

	Date.	Vols.
Morris' Reports	1839–1846	1
Greene's Reports	1847–1854	4

From 1854 the volumes of Iowa Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 124 Iowa was published in 1905.

The Northwestern Reporter connects with the Iowa Reports at volume 50 Iowa (Dec., 1878), and reports all subsequent cases.

KANSAS.

The Kansas Reports date from 1862, all the volumes being designated by number.

The Kansas Appellate Reports date from 1895, and continue to 1901, when the court was discontinued, 10 volumes being published.

Volume 69 Kansas was published in 1905.

The Pacific Reporter connects with volume 29 Kansas Reports (May, 1883), and volume 1 Kansas Appellate Reports (1895), reporting all subsequent cases.

KENTUCKY.

	Date.	Vols.
Hughes' Reports	1785–1801	1
Kentucky Decisions (Sneed)	1801–1805	1
Hardin's Reports	1805–1808	1
Bibb's Reports	1808–1817	4
Marshall's (A. K.) Reports	1817–1821	3
Littell's Reports	1822–1824	5
Littell's Select Cases	1795–1821	1
Monroe's (T. B.) Reports	1824–1828	7
Marshall's (J. J.) Reports	1829–1832	7
Dana's Reports	1833–1840	9
Monroe (Ben.) Reports	1840–1857	18
Metcalfe's Reports	1858–1863	4
Duvall's Reports	1863–1866	2
Bush's Reports	1866–1879	14

From 1879 the volumes of the Kentucky Reports are designated by number, beginning volume 78, 79, 80, etc., to date. Volume 116 Kentucky was published in 1905.

The Southwestern Reporter connects with the Kentucky Reports at volume 84 Kentucky (June, 1886), and reports all subsequent cases.

LOUISIANA.

	Date.	Vols.
Martin's Reports	1809–1823	12
Martin's Reports (New Series)	1823–1830	8
Louisiana Reports	1830–1841	19
Robinson's Reports	1841–1846	12
Louisiana Annual Reports	1846–1900	52
Louisiana Annual Reports (National Reporter Edition)	1897–1900	4

From 1900 the volumes of the Louisiana Reports are designated by number, beginning volume 104, 105, etc., to date. From 1900 to 1902 two editions of these Reports were published. One series was entitled the Louisiana Reports, and the other the Louisiana Reports, National Reporter System Edition. In 1902, beginning with volume 109, the Louisiana Reports, National Reporter System Edition, became the "official" and only edition published. Volume 118 Louisiana Reports was published in 1905.

The Southern Reporter connects with volume 38 Louisiana Annual (Jan., 1887), and reports all subsequent cases to date.

MAINE.

	Date.	Vols.
Greenleaf's Reports (Maine, 1–9)	1820–1832	9
Fairfield's Reports (Maine, 10–12)	1833–1835	3

From 1835 the volumes of the Maine Reports are designated by number, beginning volume 13, 14, 15, etc., to date. Volume 99 Maine was published in 1905.

The Atlantic Reporter connects with the Maine Reports at volume 78 Maine (Aug., 1885), and reports all subsequent cases.

MARYLAND.

LAW.

	Date.	Vols.
Harris and McHenry's Reports	1658–1799	4
Harris and Johnson's Reports	1800–1826	7
Harris and Gill's Reports	1826–1829	2
Gill and Johnson's Reports	1829–1842	12
Gill's Reports	1843–1851	9

CHANCERY.

Bland's Chancery Reports	1811–1832	3
Maryland Chancery Reports	1847–1854	4

From 1851 the volumes of the Maryland Law Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 99 Maryland was published in 1905.

The Atlantic Reporter connects with the Maryland Reports at volume 63 Maryland (June, 1885), and reports all subsequent cases.

MASSACHUSETTS.

	Date.	Vols.
Massachusetts Reports (1–17)	1804–1822	17
Pickering's Reports (Mass. 18–41)	1822–1839	24
Metcalf's Reports (Mass. 42–54)	1840–1847	13
Cushing's Reports (Mass. 55–66)	1848–1853	12
Gray's Reports (Mass. 67–82)	1854–1860	16
Allen's Reports (Mass. 83–96)	1861–1867	14
Quincy's Reports	1762–1772	1
Thacher's Criminal Cases	1823–1842	1
Cushing's Contested Election Cases	1780–1852	1

From 1867 the volumes of the Massachusetts Reports are designated by number only, beginning volume 97, 98, etc., to date. Volume 187 Massachusetts was published in 1905.

The Northeastern Reporter connects with the Massachusetts Reports at volume 138 Massachusetts (Nov., 1884), and reports all subsequent cases.

MICHIGAN.

	Date.	Vols.
Harrington's Chancery	1836–1842	1
Walker's Chancery	1842–1845	1
Douglass' Reports	1843–1847	2
Brown's Nisi Prius	1869–1871	2
Howell's Nisi Prius	1884——	1

From 1847 the volumes of the Michigan Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 134 Michigan was published in 1905.

The Northwestern Reporter connects with the Michigan Reports at volume 40 Michigan (June, 1879), and reports all subsequent cases.

MINNESOTA.

The Minnesota Reports date from 1851, all the volumes being designated by number. Volume 92 Minnesota was published in 1905.

The Northwestern Reporter connects with the Minnesota Reports at volume 25 Minnesota (March, 1879), and reports all subsequent cases.

MISSISSIPPI

Law.

	Date.	Vols.
Walker's Reports (Miss. 1)	1820–1832	1
Howard's Reports (Miss. 2–8)	1834–1843	7
Smedes and Marshall's Reports (Miss. 9–22)	1843–1850	14

Chancery.

Freeman's Chancery	1839–1843	1
Smedes and Marshall's Chancery	1840–1843	1

From 1850 the volumes of the Mississippi Reports are designated by

MISSISSIPPI (Cont'd).

number, beginning volume 23, 24, etc., to date. Volume 84 Mississippi was published in 1905.

The Southern Reporter connects with the Mississippi Reports at volume 63 Mississippi (Oct., 1886), and reports all subsequent cases.

MISSOURI.

The Missouri Reports date from 1821, all volumes being designated by number.

The Missouri Appeals Reports date from 1876, all volumes being designated by number.

Volume 186 Missouri and volume 109 Missouri Appeals were published in 1905.

The Southwestern Reporter connects with volume 88 Missouri Reports (1886) and volume 93 Missouri Appeals Reports (1892), and reports all subsequent cases.

MONTANA.

The Montana Reports date from 1868, all volumes being designated by number. Volume 30 Montana was published in 1905.

The Pacific Reporter connects with the Montana Reports at volume 8 Montana (Jan., 1881), and reports all subsequent cases.

NEBRASKA.

The Nebraska Reports date from 1854, all volumes being designated by number. Volume 66 Nebraska was published in 1905.

The Northwestern Reporter connects with the Nebraska Reports at volume 8 Nebraska (Jan., 1879), and reports all subsequent cases.

The decisions of the Supreme Court Commission of Nebraska are published in the Nebraska Reports unofficial; the volumes being designated by number; volume 4 being published in 1905. These decisions are also reported in the Northwestern Reporter.

NEVADA.

The Nevada Reports date from 1865, all volumes being designated by number. Volume 26 Nevada was published in 1905.

The Pacific Reporter connects with the Nevada Reports at volume 16 Nevada (Jan., 1882), and reports all subsequent cases.

NEW HAMPSHIRE.

	Date.	Vols.
Smith's Reports	1802–1816	1
New Hampshire Reports (N. H. 1–20)	1816–1850	20
Foster's Reports (N. H. 21–31)	1850–1855	11

From 1855 the volumes of the New Hampshire Reports are designated by number, beginning volume 32, 33, etc., to date. Volume 72 New Hampshire was published in 1905.

NEW HAMPSHIRE (Cont'd).

The Atlantic Reporter connects with the New Hampshire Reports at volume 68 New Hampshire (March, 1886), and reports all subsequent cases.

NEW JERSEY.

Law.

	Date.	Vols.
Coxe's Reports (N. J. Law, 1)	1790–1795	1
Pennington's Reports (N. J. Law, 2–3)	1806–1813	2
Southard's Reports (N. J. Law, 4–5)	1816–1820	2
Halsted's Reports (N. J. Law, 6–12)	1796–1804, 1821–1831	7
Green's Reports (N. J. Law, 13–15)	1831–1836	3
Harrison's Reports (N. J. Law, 16–19)	1837–1842	4
Spencer's Reports (N. J. Law, 20)	1842–1846	1
Zabriskie's Reports (N. J. Law, 21–24)	1847–1855	4
Dutcher's Reports (N. J. Law, 25–29)	1855–1862	5
Vroom's Reports (N. J. Law, 30——)	1862——	—

Chancery.

Saxton's Reports (N. J. Eq. 1)	1830–1832	1
Green's Reports (N. J. Eq. 2–4)	1834–1845	3
Halsted's Reports (N. J. Eq. 5–8)	1845–1853	4
Stockton's Reports (N. J. Eq. 9–11)	1852–1858	3
Beasley's Reports (N. J. Eq. 12–13)	1858–1860	2
McCarter's Reports (N. J. Eq. 14–15)	1861–1862	2
Green's, C. E., Reports (N. J. Eq. 16–27)	1862–1876	12
Stewart's Reports (N. J. Eq. 28–45)	1877–1889	18
Dickinson's Reports (N. J. Eq. 46——)	1889——	—.

The volumes of the New Jersey Law and the New Jersey Equity Reports, from the beginning, are designated by number and by the names of the court reporters. Volume 41 Vroom (New Jersey Law, 70) and volume 21 Dickinson (New Jersey Equity, 66) were published in 1905.

The Atlantic Reporter connects with volume 47 New Jersey Law (Nov., 1885) and volume 40 New Jersey Equity (Oct., 1885), and reports all subsequent cases in both series.

NEW MEXICO.

The New Mexico Reports date from 1852, all volumes being designated by number. Volume 11 New Mexico was published in 1905.

The Pacific Reporter connects with the New Mexico Reports at volume 2 New Mexico (March, 1883), and reports all subsequent cases.

NEW YORK.

LAW.

	Date.	Vols
Coleman's Cases	1794–1800	1
Coleman & Caine's Cases	1794–1805	1
Johnson's Cases	1799–1803	3
Caine's Reports	1803–1805	3
Caine's Cases	1796–1805	2
Johnson's Reports	1806–1823	20
Anthon's Nisi Prius Cases	1807–1851	1
Yates' Select Cases	1811	1
Cowen's Reports	1823–1829	9
Wendell's Reports	1828–1841	26
Hill's Reports	1841–1844	7
Denio's Reports	1845–1848	5
Lalor's Supplement to Hill and Denio	1842–1844	1
Edmond's Select Cases	1834–1838	2
Lockwood's Reversed Cases	1799–1847	1

CHANCERY.

	Date.	Vols.
Johnson's Reports	1814–1823	7
Hopkins' Reports	1823–1826	1
Paige's Reports	1828–1845	11
Edwards' Reports	1831–1850	4
Hoffman's Reports	1839–1840	1
Clarke's Reports	1839–1841	1
Sanford's Reports	1843–1847	4
Barbour's Reports	1845–1848	3

COURT OF APPEALS (REGULAR).

Comstock's Reports (N. Y. 1–4)	1847–1851	4
Selden's Reports (N. Y. 5–10)	1851–1854	6
Kernan's Reports (N. Y. 11–14)	1854–1856	4

The volumes of the New York Court of Appeals Reports are designated both by the names of the court reporters and by number to 1856. From 1856 (volume 15) to date by number only. Volume 180 New York was published in 1905.

COURT OF APPEALS (SPECIAL).

(Containing Cases Unreported in Regular Series.)

	Date.	Vols.
Howard's Appeal Cases	1847–1848	1
Keyes' Reports	1863–1868	4
Abbott's Reports	1850–1869	4

NEW YORK (Cont'd).

COURT OF APPEALS (SPECIAL) (Cont'd).

Selden's Notes	1852–1854	1
Transcript Appeals	1867–1868	7
Silvernail's Reports	1886–1892	4

The Northeastern Reporter connects with volume 98 New York (April, 1885), and reports all subsequent decisions of the New York Court of Appeals.

LOWER COURTS OF RECORD.

Supreme Court Reports.

	Date.	Vols.
Barbour	1847–1877	67
Lansing	1869–1873	7
Thompson & Cook	1874–1875	6
Hun	1874–1895	92
Silvernail	1889–1890	5
Hun's Appellate Division	1896——	—

Volume 102 Hun, Appellate Division, was published in 1905.

Practice and Code Reports.

	Date.	Vols.
Howard's Practice	1844–1885	67
Howard's Practice (N. S.)	1883–1886	3
Code Reporter	1848–1851	3
Code Reports (N. S.)	1850–1852	1
Abbott's Practice	1854–1865	19
Abbott's Practice (N. S.)	1865–1875	16
Abbott's New Cases	1876–1894	31
New York City Court Reports	1874–1888	2
New York Civil Procedure	1881——	—
New York Miscellaneous	1892–1905	45
Benjamin's Annot. Cases	1894——	—

Volume 84 New York Civil Procedure and volume 14 Benjamin's Annotated Cases were published in 1905.

Surrogate Court Reports.

	Date.	Vols.
Bradford	1849–1857	4
Redfield	1857–1882	5
Tucker	1864–1869	1
Demarest	1882–1888	6
Connoly	1888–1891	2
Powers	1891–1894	1
Gibbons	1894——	—

Volume 1 Gibbons was published in 1905.

NEW YORK (Cont'd).

LOWER COURTS OF RECORD (Cont'd).

Superior Court Reports.

	Date.	Vols.
Hall (N. Y. S. Ct. 1-2)	1828-1829	2
Sandford (N. Y. S. Ct. 3-7)	1847-1852	5
Duer (N. Y. S. Ct. 8-13)	1852-1857	6
Bosworth (N. Y. S. Ct. 14-23)	1856-1863	10
Robertson (N. Y. S. Ct. 24-30)	1863-1868	7
Sweeney (N. Y. S. Ct. 31-32)	1869-1870	2
Jones & Spencer (N. Y. S. Ct. 33-61)	1871-1892	29 24-29
Buffalo Superior Court, Sheldon's Reports	1854-1875	1

Common Pleas Reports.

	Date.	Vols.
Smith (E. D.)	1850-1854	4
Hilton	1855-1860	2
Daly	1859-1891	16 16

Criminal Reports.

	Date.	Vols.
Wheeler's Criminal Cases	1791-1825	3
Rogers' City Hall Recorder	1816-1822	6
Parker's Criminal	1823-1868	6
Cowen's Criminal	1868-1883	2
New York Criminal	1883——	— 7 to date

Volume 18 New York Criminal Reports was published in 1905.

The New York Supplement (a supplemental member of the National Reporter System) was established in 1888, and reports the decisions of all the lower courts of record of New York. It connects with the Supreme Court Reports at volume 49 Hun, volume 1 Silvernail, and volume 1 Hun's Appellate Division. With the Practice and Code Reports at volume 21 Abbott's New Cases, volume 14 New York Civil Procedure Reports, volume 1 New York Miscellaneous Reports, and volume 1 New York (Benjamin's) Annotated Cases. With the Surrogate Court Reports at volume 1 Connoly. With the Superior Court Reports at volume 56 (24 Jones and Spencer). With the Common Pleas Reports at volume 15 Daly; and with the New York Criminal Reports at volume 7. Ninety-four volumes of the New York Supplement have been published to 1905, and the earlier volumes contain many cases reported in full, which appear in Hun's Reports as memoranda only, without the text of the opinions.

The New York State Reporter was established in 1886, and covered, in addition to the decisions of the courts reported in the New York Supplement, the New York Court of Appeals Reports. It was discontinued in 1897.

NORTH CAROLINA.

	Date.	Vols.
Martin's Reports (N. C. 1)	1778–1797	2
Taylor's Reports (N. C. 1)	1798–1802	1
Conference by Cameron & Norwood (N. C. 1)	1800–1804	1
Haywood's Reports (N. C. 2, 3)	1789–1806	2
Carolina Law Repository (N. C. 4)	1813–1816	2
North Carolina Term Reports (N. C. 4)	1816–1818	1
Murphey's Reports (N. C. 5–7)	1804–1819	3
Hawks' Reports (N. C. 8–11)	1820–1826	4
Devereux's Law (N. C. 12–15)	1826–1834	4
Devereux's Equity (N. C. 16, 17)	1826–1834	2
Devereux & Battle's Law (1, 2; N. C. 18, 19)	1834–1837	2
Devereux & Battle's Law (3, 4; N. C. 20)	1838–1839	2
Devereux & Battle's Equity (N. C. 21, 22)	1834–1839	2
Iredell's Law (N. C. 23–35)	1840–1852	13
Iredell's Equity (N. C. 36–43)	1840–1852	8
Busbee's Law (N. C. 44)	1852–1853	1
Busbee's Equity (N. C. 45)	1852–1853	1
Jones' Law (N. C. 46–53)	1853–1862	8
Jones' Equity (N. C. 54–59)	1853–1863	6
Winston's Reports (N. C. 60)	1863–1864	2
Phillip's Law (N. C. 61)	1866–1868	1
Phillip's Equity (N. C. 67)	1866–1868	1

From 1868 the volumes of the North Carolina Reports are designated by number only, beginning volume 63, 64, etc., to date. Volume 137 North Carolina was published in 1905.

The Southeastern Reporter connects with the North Carolina Reports at volume 95 North Carolina (Jan., 1887), and reports all subsequent cases.

NORTH DAKOTA.

The North Dakota Reports date from 1889, all the volumes being designated by number. (See Dakota.)

Volume 12 North Dakota was published in 1905.

The Northwestern Reporter contains all the North Dakota decisions from the beginning to the present time.

OHIO.

From 1821 to 1851 the decisions of the Supreme Court of Ohio are reported in a series known as the Ohio Reports, the volumes being numbered consecutively from 1 to 20.

From 1851 the Ohio Supreme Court decisions have been published under the title of the Ohio State Reports, the volumes being designated by number, beginning volume 1, 2, 3, etc., to date. Volume 71 Ohio State was published in 1905.

The Northeastern Reporter connects with the Ohio Reports at volume 43 Ohio State (Feb., 1885) and reports all subsequent cases.

OKLAHOMA.

The Oklahoma Reports date from 1888, all volumes being designated by number. Volume 14 Oklahoma was published in 1905.

The Pacific Reporter contains all Oklahoma decisions from the beginning to the present time.

OREGON.

The Oregon Reports date from 1853, all volumes being designated by number. Volume 44 Oregon was published in 1905.

The Pacific Reporter connects with the Oregon Reports at volume 10 Oregon (1883), and reports all subsequent cases.

PENNSYLVANIA.

	Date.	Vols.
Dallas' Reports	1754–1806	4
Addison's Reports	1791–1799	1
Yeates' Reports	1791–1808	4
Binney's Reports	1799–1814	6
Sergeant & Rawle's Reports	1814–1828	17
Rawle's Reports	1828–1835	5
Penrose & Watts' Reports	1829–1832	3
Watts' Reports	1832–1840	10
Wharton's Reports	1835–1841	6
Watts & Sergeant's Reports	1841–1845	9

From 1844–5 the decisions of the Supreme Court of Pennsylvania have been published under the title of the Pennsylvania State Reports, the volumes being designated by number, beginning volume 1, 2, 3, etc., to date. Volume 210 Pennsylvania State was published in 1905.

The Atlantic Reporter connects with the Pennsylvania Reports at volume 109 Pennsylvania State (May, 1885), and reports all subsequent cases.

The Pennsylvania Superior Court Reports date from 1895, and the volumes are designated by number, the last volume issued being 27.

RHODE ISLAND.

The Rhode Island Reports date from 1828, all volumes being designated by number. Volume 25 Rhode Island was published in 1905.

The Atlantic Reporter connects with the Rhode Island Reports at 14 Rhode Island (April, 1885), and reports all subsequent cases.

SOUTH CAROLINA.

LAW.

	Date.	Vols.
Bay's Reports	1783–1804	2
Brevard's Reports	1793–1816	3
Treadway's Reports (included in Brevard's Reports, vol. 3)	1812–1816	2

SOUTH CAROLINA (Cont'd).

Law (Cont'd).

Mill's Reports (Constitutional)	1817–1818	1
Nott & McCord's Reports	1817–1820	2
McCord's Reports	1821–1828	4
Harper's Reports	1823–1830	1
Bailey's Reports	1828–1832	2
Hill's Reports	1833–1837	8
Riley's Reports	1836–1837	1
Dudley's Reports	1837–1838	1
Rice's Reports	1838–1839	1
Cheves' Reports	1839–1840	1
McMullan's Reports	1840–1842	2
Spear's Reports	1842–1844	2
Strobhart's Reports	1846–1850	5
Richardson's Reports	1844–1846 } 1850–1868 }	15

Chancery.

Desaussure's Reports	1784–1816	4
Harper's Reports	1824	1
McCord's Reports	1825–1827	2
Bailey's Reports	1830–1831	1
Richardson's Cases	1831–1832	1
Hill's Reports	1833–1837	2
Riley's Reports	1836–1837	1
Dudley's Reports	1837–1838	1
Rice's Reports	1838–1839	1
Cheves' Reports	1839–1840	1
McMullan's Reports	1840–1842	1
Spear's Reports	1842–1844	1
Strobhart's Reports	1846–1850	4
Richardson's Reports	1844–1846 } 1850–1868 }	14

From 1868 the decisions of the Supreme Court of South Carolina have been published under the title of the South Carolina Reports, New Series, the volumes being designated by number, beginning volume 1, 2, 3, etc., to date. Volume 69 South Carolina was published in 1905.

The Southeastern Reporter connects with the South Carolina Reports at volume 25 South Carolina (April, 1886), and reports all subsequent cases.

SOUTH DAKOTA.

The South Dakota Reports date from 1889, all volumes being designated by number. (See Dakota.) Volume 17 South Dakota was published in 1905.

The Northwestern Reporter contains all the South Dakota decisions from the beginning to the present time.

TENNESSEE.

LAW.

	Date.	Vols.
Overton's Reports	1791–1817	2
Cooke's Reports	1811–1814	1
Haywood's Reports	1816–1818	3
Peck's Reports	1822–1824	1
Martin & Yerger's Reports	1825–1828	1
Yerger's Reports	1828–1837	10
Meigs' Reports	1838–1839	1
Humphreys' Reports	1839–1851	11
Swan's Reports	1851–1853	2
Sneed's Reports	1853–1858	5
Head's Reports	1858–1859	3
Coldwell's Reports	1860–1870	7
Heiskell's Reports	1870–1874	12
Baxter's Reports	1872–1878	9
Lea's Reports	1878–1886	16
Pickle's Reports (Tenn. 85–108)	1886–1902	24
Cates' Reports (Tenn. 109——)	1902——	—

CHANCERY.

Tennessee Chancery Reports (Cooper)	1872–1878	3

CHANCERY APPEALS.

Tenn. Chancery Appeals Reports	1901——	—

From 1886 the volumes of the Tennessee Reports are generally designated by number, beginning volume 85, 86, 87, etc., to date. Volume 111 Tennessee (3 Cates) was published in 1905. The volumes of the Tennessee Chancery Appeals Reports are designated by number, the last volume issued being volume 2.

The Southwestern Reporter connects with the Tennessee Reports at volume 85 Tennessee (Oct., 1886), and reports all subsequent cases.

TEXAS.

	Date.	Vols.
Dallam's Decisions	1840–1844	1

From 1846 to date the volumes of the Texas Supreme Court Reports are designated by number. In 1876 the Texas Appeal Reports were established (reporting criminal cases only), the volumes being designated numerically. This series of reports continued to be published under the title Texas Court of Appeals Reports until 1892 (volume 30), when the name was changed to the Texas Criminal Appeals Reports, in order to distinguish the set from the Texas Civil Appeals Reports established the same year. There is an odd volume of the Texas Supreme Court Reports covering the cases decided during the Civil War. This volume is known as volume 25 Supplement Texas Su-

TEXAS (Cont'd).

preme Court Reports. Volume 97 Texas, volume 44 Texas Criminal Appeals, and volume 32 Texas Civil Appeals were published in 1905.

The Texas Civil Appeals cases consist of 4 volumes (1876–1892). These reports are often cited as 1 Willson, and 1, 2, and 3 White & Willson. The Texas Unreported Cases consist of 2 volumes, and are sometimes cited as 1 and 2 Posey.

The Southwestern Reporter connects with volume 65 Texas Reports (March, 1886), and volume 21 Texas Appeals (March, 1886), and reports all subsequent cases, together with the decisions of the Courts of Criminal Appeals and Civil Appeals from the organization of these courts.

UTAH.

The Utah Reports date from 1871, all volumes being designated by number. Volume 27 Utah was published in 1905.

The Pacific Reporter connects with the Utah Reports at volume 2 Utah (Jan., 1881), and reports all subsequent cases.

VERMONT.

	Date.	Vols.
Chipman's Reports (N.)	1789–1791	1
Chipman's Reports (D.)	1789–1825	2
Tyler's Reports	1800–1803	2
Brayton's Reports	1815–1819	1
Aiken's Reports	1825–1827	2

From 1826–27 the volumes of the Vermont Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 76 Vermont was published in 1905.

The Atlantic Reporter connects with the Vermont Reports at volume 57 Vermont (Nov., 1885), and reports all subsequent cases.

VIRGINIA.

	Date.	Vols.
Jefferson's Reports	1730–1772	1
Wythe's Chancery Reports	1790–1799	1
Washington's Reports	1790–1796	2
Call's Reports	1797–1825	6
Hening & Munford's Reports	1806–1810	4
Munford's Reports	1810–1820	6
Gilmer's Reports	1820–1821	1
Randolph's Reports	1821–1828	6
Leigh's Reports	1829–1842	12
Robinson's Reports	1842–1844	2
Grattan's Reports	1844–1880	33

VIRGINIA (Cont'd).

SPECIAL REPORTS.

Virginia Criminal Cases	1789–1826	2
Patton, Jr., and Heath, Court of Appeals	1855–1857	2
Howison, Criminal Trials	1850–1851	1

From 1880 the volumes of the Virginia Reports are designated by number, beginning volume 75, 76, 77, etc., to date. Volume 102 Virginia was published in 1905.

The Southeastern Reporter connects with the Virginia Reports at volume 82 Virginia (Jan., 1887), and reports all subsequent cases.

WASHINGTON.

The Washington Territory Reports date from 1854 and continue to 1889, all volumes being designated by number.

The volumes of the Washington State Reports date from 1889, and are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 37 Washington State Reports was published in 1905.

The Pacific Reporter connects with the Washington Reports at volume 2 Washington Territory (July, 1880), and reports all subsequent cases in this series, and all cases in the Washington State Reports from the beginning to date.

WEST VIRGINIA.

The West Virginia Reports date from 1863, all volumes being designated by number. Volume 56 West Virginia was published in 1905.

The Southeastern Reporter connects with the West Virginia Reports at volume 28 West Virginia (Oct., 1886), and reports all subsequent cases.

WISCONSIN.

	Date.	Vols.
Pinney's Reports	1839–1852	3

From 1852 the volumes of the Wisconsin Reports are designated by number, beginning volume 1, 2, 3, etc., to date. Volume 121 Wisconsin was published in 1905.

The Northwestern Reporter connects with the Wisconsin Reports at volume 45 Wisconsin (Jan., 1879), and reports all subsequent cases.

WYOMING.

The Wyoming Reports date from 1870, all volumes being designated by number. Volume 11 Wyoming was published in 1905.

The Pacific Reporter connects with the Wyoming Reports at volume 2 Wyoming (April, 1883), and reports all subsequent cases.

III. BOOKS OF SECONDARY AUTHORITY.

§ 73. Text-Books.

Having thus considered the authentic repositories of the law itself, we now pass to the two great classes of publications which are used as a means of ascertaining the law—text-books and digests.

Law text-books range from the bare authorities covering only the general principles of law to voluminous and elaborate commentaries, in which the disputed questions are set forth and analyzed, conflicting authorities are weighed, and inferences are drawn not only as to what the law is, but as to what it should be. Some legal treatises, as the works of Bracton, Glanvill and Blackstone, rise nearly to the dignity of real authority, wherein the opinion of the author regarding the law has something of a judicial utterance. A few text-books that have been used for a long time, and whose statements of law have been found to be accurate, have come to be accepted as authority; but these books are rare, and as a rule the court requires direct reference to the decisions themselves, with the result that text-books are becoming less and less cited in court.

Text-books may be divided roughly into five general classes.

First. The treatise or the commentary, in which legal principles are newly set forth and discussed, and which derive a certain authority from the weight of the views advanced, and the force of the argument in which they are presented.

Second. The "text-book digest," the aim of which is to set forth the law of a subject in condensed form, with little or no criticism and discussion of the authorities cited, and no serious attempt to explain or reconcile apparently conflicting decisions. In these works originality has no place, excepting in the arrangement of the digested material; and the books derive what authority they have, not from the soundness of the author's views, but solely from the accuracy of his statements of the law as found embodied in the decisions and other authoritative sources.

Third. The monograph, which is a special treatise upon a particular subject of limited range.

Fourth. The outline or student's book, which differs from the treatise, in its more restricted choice of topics and less exhaustive method of treatment; and from the "text-book digest," in that it does not attempt to cite all the cases or to cover as much ground.

Fifth. The encyclopædia of law, which is a collection of articles that within one circle or compass attempts to cover the entire body of law.

The great majority of text-books fall into the second class and are in effect little more than abridged digests, with a text feature. At best they are but search-books for finding the cases. Practitioners go to them to ascertain the case law of the subject, and do not accept the author's statement as conclusive. Text-books are good for what they are worth, but any lawyer who has had occasion to probe to the very root of a subject has learned that it is unsafe to look to the average text-book for a final statement of the law on any subject.

Mr. Reed says in his American Law Studies: "The student should use text-book authors as his legal preceptors for only a season, after which they must be to him what they are to the profession generally. And even while sitting at their feet he must be taught to test their statements and prove their references more and more every day. Gradually and surely he must form the lawyer's habit of going directly to the sources themselves for the law before he commits himself to take a position in advice or argument. One cannot learn too early that he should not rely overmuch on any book or set of books. Even the federal Constitution, though not a century old, has several times received important amendments. New constitutions, new statutes, new laws, new doctrines introduced by judicial decisions, are always coming forth, and they beget new books which supersede the old ones. Books of the law, as a general rule, are sooner out of date than even those of science."[18]

[18] Reed's American Law Studies, p. 408.

The purpose of an encyclopædia of law is to supply in the form of text and notes the whole body of the law, together with complete citations to all the authorities. The reader of a work of this kind must not look to find much beyond bare statements of established legal doctrine, arranged in an orderly manner, easily to be found, and compacted together without much attempt at explanation or illustration; the aim being to cover somewhere and in some manner all the findings of law in the reports. The encyclopædia idea in law publishing has been in use more or less since the time of Justinian, and it is justly recognized as one of the best methods for ascertaining the law and investigating authorities. It was first introduced in this country in a large way some years ago by the publication of a work known as the American and English Encyclopædia of Law. This set of books, purporting to cover the entire field of modern law, was completed in 1895 in 29 volumes. When the set was about three-fourths published the publishers decided to issue a new encyclopædia, to be limited in its treatment to the law relating to pleading and practice, and they consequently omitted this portion of their material from the remaining volumes of their Encyclopædia of Law. That work was completed in 1902 in 23 volumes, and published under the title of the Encyclopædia of Pleading and Practice.

A third series was begun by the same publishers upon the completion of the first set. This latter work, which is now completed, in 32 volumes, treats the substantive law only, and is called the American and English Encyclopædia of Law, Second Edition.

The separation of the law of pleading and practice from the substantive law, and publishing it in a separate series of books, was, commercially speaking, a success; but with the profession the result was not so popular, for the reason that much matter contained in the volumes of one series was duplicated in the volumes of the other, and neither series covered the entire field of the law.

To meet the demand for an encyclopædia of law that would treat all the substantive and all the adjective law

together, a new lawbook company was incorporated,[19] and in 1901 the first volume of the Cyclopædia of Law & Procedure was published. This new work (which has become commonly known and cited as "Cyc."), will cover when completed the entire field of law under some 425 main titles; substantially the same arrangement and classification of headings being adopted as those used in the American, General, and Century Digests. As the different articles are being written by leading legal authorities, educators, and lawyers in the country, the work promises to be as complete and accurate as it is possible for a publication of the kind to be. Eighteen volumes of "Cyc." have now been published (1905), and the set is to be completed in about 40 volumes.

Somewhat akin to the encyclopædia idea, although differing from these books in that they do not undertake to present the legal principles which have been enunciated and applied by the courts in their decisions, are the law dictionaries, and publications designed to set out in available form judicial and statutory definitions of words and phrases. There are two classes of law dictionaries or glossaries—those that adhere strictly to the giving of concise and reliable definitions of technical terms used in law, and those that aim to be something of a legal encyclopædia on a meager scale, as well as a dictionary. The best American examples of the first class are Black's Law Dictionary and Anderson's Law Dictionary, both one-volume works; and of the second class, Bouvier's Law Dictionary, published in two volumes. The latter was first issued in 1839, has run through seven editions, and has enjoyed a very high degree of popularity.

The purpose of the new eight-volume work entitled "Words and Phrases" is to fill the gap between the law dictionaries and encyclopædias and digests. It frequently occurs that the decision to be reached in a case turns upon the meaning of a word or a phrase. In these cases there can be no appeal to principles or to abstract reasoning. It is simply

[19] The American Lawbook Company, New York.

a question of authority. "What have the courts held the particular word or phrase to mean in similar or other connections?" The law dictionaries are primarily lexicons, and, although they generally use judicial interpretations to some extent as illustrations, none of them make any attempt at exhaustiveness. They give rather the accepted meanings of words in general than the exact judicial construction of words and phrases which are open to dispute. The fact that the compilers of the publication Words and Phrases have collected some 132,000 separate definitions and constructions from reported decisions shows how vast is the field, and how constant and universal must be the need in the legal profession for the information which the publication contains.

§ 74. Digests.

The proper use of the different classes of lawbooks is easly indicated. The constitutions, statutes, and reports of judicial decisions are the sources of the law. These are the mines to be explored and the fields to be cultivated. The digests, encyclopædias, text-books and the like, are in the main merely the appliances to be used in the mining and the agriculture—being of no intrinsic authority—and seldom cited in court except by way of wholesale reference to the cases collected therein.

To one beginning the study of a subject, or to one wishing to refresh his mind on the fundamental principles of the law that underlie his case, a well written text-book, which states the principles clearly and accurately, is of great service. While the cases bearing on a particular question are to be found to a limited extent by the use of text-books, and to a greater extent in the encyclopædias, the most reliable and exhaustive method to find all the cases is by recourse to the digests.

A digest, to all intents and purposes, is a great index. What the index of a single volume of reports does for that volume, a digest does for a series of volumes of reports. A digest contains under alphabetical arrangement, by subject, brief statements of propositions of law that are con-

tained in a great number of decisions of the court. It exhibits the points decided in particular cases, and so arranges these points that they may be easily found; but it is beyond the scope of this class of books to formulate and discuss the rules of law which the points decided imply. A digest is only useful when the matter contained therein is so arranged as to be readily available to the lawyer using it. The country is full of digests which contain matter well and fully representing the reported cases, but which are practically useless by reason of their obscure and inconsistent arrangement.

Every series of law reports has its digests. These books are usually cited by the title of the reports—for example, the California Digest; the Federal Reporter Digest; but sometimes by the compiler's name—for example, Bates' Complete Digest (Ohio). Then there are digests of some of the large and important subjects of general law—for example, Brandenburg's Digest of Bankruptcy Law.

So, next to the statutes and reports, the digests are generally considered by lawyers as the most indispensable books. The student should remember, however, not to rely on the statements found in digests of law reports as conclusive, for the reason that they are not the authorities themselves, but concise statements of the points in the cases. Digests should be and are simply convenient manuals of reference, by which the reader may find his way to the original cases which are the authorities.

It is now more than sixty years since the old firm of Little & Brown, of Boston, undertook the great work of digesting, in one set of books, the entire case law of our first half century, covering the reports of the different state and United States courts from the beginning down to 1847.

This set of books, which is to-day generally referred to as the (original) United States Digest, consisted of eight volumes. The first six volumes covered the common-law and admiralty cases in 75 volumes of United States reports and 574 volumes of state reports. The remaining two volumes were devoted to equity cases, and covered the cases in 57 volumes of distinctively equity reports and the equity

cases in other reports. Compiled as it was by able and accomplished lawyers, this original United States Digest soon became the most popular and useful set of general law books of its day.

Beginning in 1847, the United States Digest was continued by a series of annual volumes, covering the cases in the federal and state reports published each year. In this series of Annual Digests the distinction between law and equity cases was not preserved, both being digested in the same volume.

The publication of this long series of annual volumes made the United States Digest more and more cumbersome and inconvenient to refer to. In 1870 it had made 31 volumes, and the lawyer using it was obliged to hunt through 26 alphabets to cover the whole ground on any given topic. The time had come when it was necessary to make a radical new departure, and the publishers decided to recompile the existing material into a new digest, which should be complete down to 1870, and then continue it by a fresh series of annual volumes. This new compilation was called the United States Digest, First Series. Under the editorship and direction of Mr. Benjamin Vaughan Abbott (one of the great names in the history of American legal literature) the 31 volumes of the old series were recompiled into 14 volumes under a single alphabet. These 14 volumes covered the cases in 1,900 volumes of reports, including 106 volumes of reports which had been omitted by the earlier editors. Thus the case law of the country, down to the year 1870, was once more brought within the compass of a single digest alphabet.

The United States Digest, First Series, was continued by the publication of annual volumes which became known as the United States Digest, First Series Annuals, and were often called the New-Series Annuals.

The United States Digest in its various editions continued to be very popular. It was recognized in all parts of the country as one of the foundation books for a law library, and was in general use with the best lawyers everywhere. It had the field entirely to itself until 1887. The

completion of the National Reporter System in that year brought with it, as a logical accompaniment, the publication of an annual digest of the case law of the whole country, based on the earliest publication of the decisions, rather than on the belated official reports.

The demand of the bar was for a digest of the authorities —the decisions of the courts—as soon as they were promulgated, and not merely for a digest of the official reports. The cases covered in the United States Digest Annuals were taken from the official reports, and were on an average of nearly two years behind the cases digested in the new publication (known as The American Annual Digest), which were taken from the volumes of the National Reporter System.

The unequal contest was a short one. In 1888, at the end of a single year of competition, the publishers of the United States Digest sold to the publishers of the American Annual Digest the entire stock, plates, and copyrights of the United States Digest, First Series, and New Series Annuals. So it came about that the volumes of the American Annual Digest became the continuations of the old standard United States Digest.

It was possible, with the combined use of the United States Digest, First Series, the New Series Annuals, and the American Digest Annuals, to cover, in a fashion, the greater part of American case law; but it was not easy to do so, owing to the multiplication of separate annuals, and the many alphabets necessary to look through to cover the ground, and the fact that they were not all on a uniform plan of arrangement. The simplest and easiest plan for remedying the difficulty, and the one that would naturally suggest itself first, would be to rearrange the matter in the various volumes of the Annuals that had been published since 1870, so as to bring it under a single alphabet; thus making a second series corresponding to the first. Such a plan, however, would not have proved satisfactory to the profession; and at the same time the work in the earlier digests was lacking in exhaustiveness and completeness, and in parts was very unequal. The demand was to furnish the legal profession with what should be a per-

manent and final digest of all American case law—not a makeshift or a recompilation of past makeshifts, but an ideal and exhaustive digest.

Thus the publication of the Century Digest was undertaken.

In brief, the Century Digest is a complete set of books, in fifty volumes, in which all American case law, both state and federal, from 1658 to 1896, is reduced to digest form under one topical arrangement. It would not be claiming too much to call the Century Digest the most ambitious and important law publishing enterprise ever undertaken. Without disparagement to such extensive reprints as the American Decisions and the Federal Cases, or such compendious publications as the various encyclopædias of law, or even the National Reporter System itself, it can be fairly stated that the Century Digest, covering, as it does, nearly a million and a half points of law, decided in more than five hundred thousand judicial decisions, and including the entire body of American case law from the beginning for a period of more than a century, is the magnum opus of American Law.

The Century Digest is continued by the volumes of the American Digest, the same classification and analysis being used throughout both publications. The volumes of the American Digest were published annually up to 1899, when the increasing bulk of the books made it necessary to change the form of publication, and since that time the American Digest has been published at the rate of two volumes a year.

In addition to the American Digest, there is one other current digest published that covers the decisions of the different state and federal courts. This work is called the General Digest, and for many years has been based on the same classification and the same general plan as the American Digest—in fact, the two publications since 1900 are practically identical in contents. Both the American and General Digests are first issued in the form of Bi-Monthly Advance Sheets.

To sum up the situation briefly, there are now in use in this country but three digests that cover the decisions of all state and federal courts. These, which constitute the American Digest System, are:

First. The Century Digest, which is a complete set in itself, in 50 volumes, digesting all American case law from the earliest times to 1896, under one topical arrangement.

Second. The American Digest, which is a continuation of the Century Digest (i. e., from 1896 to date), under the same classification, and published at the rate of about two volumes a year.

Third. The General Digest, which corresponds to the American Digest, since 1900, being issued at the same time, at the same price, and under the same general classification.

The availability and consequently the practical value of a digest depends to a very great extent upon the selection and classification of titles.

When a lawyer goes to a digest he is usually in a hurry. He wants to find some particular point. If he understands the classification he can turn to the desired place instantly. Should he approach the search blindly, with nothing more than a guess to guide him, he may waste time, and possibly miss the very authorities he has need of.

There may doubtless be many different classifications of the law equally logical and reasonable, but for practical purposes that arrangement is better than all others which is the most familiar.

The lack of uniformity in arrangement in digests of law reports has made the structure of each particular digest a separate problem to the lawyer, with the result that the confusion has been long and justly a subject of complaint by the profession. The great need of the American bar for years has been a uniform classification of the law, that would meet the requirements of all indices and digests, both local and general in their nature. This reform which has long been urged by the American Bar Association and by the different state bar associations is now being realized to a great extent by the adoption of the classification used

in the Century, American, and General Digests, and in the Cyclopædia of Law and Procedure, and by the editors and publishers of digests of the various local state reports.

As it is the constant need of the practitioner to be able to find all the authorities bearing on the question in hand, it is essential that the lawyer should be familiar with this classification of the law. It is not necessary that the student should master it to the extent that is required of editors and compilers; but it is to the interest of every one engaged in active practice to have a sufficient understanding of its make-up to find the authorities that are desired, intelligently, quickly, and accurately.

The late Joel Prentiss Bishop, in his work entitled "The First Book of the Law," has a chapter on "Learning How and Where to Find Things." He starts out by saying: "There is a great difference between learning a thing, and learning where to find it. Also there is a difference between learning where to find a thing, and learning how to find it."

It is impossible for any man to know all the law. The most desirable attainment for a lawyer is to learn the particular matter of law, and next in point of desirableness is to learn where and how to find it. The oft-quoted remark of Dr. Johnson: "Knowledge is of two kinds. We know a subject ourselves, or we know where we can find information upon it"—applies to the law, beyond all other subjects.

While, of course, lawyers are guided by our Constitutions, both state and federal, and the statutes and codes of the several states, still, under our common-law system, the ability to turn at once to a decision of an appellate court bearing directly on the question at issue facilitates to a marked degree the workings of the legal profession.

From what has been said elsewhere in this manual, it will be plain that books are a constant and universal necessity to the lawyer in every department of his professional activity. He cannot "practice law by ear." However well grounded he may be in legal principles, he cannot safely answer any difficult legal question without recourse to the books.

It has been the purpose of this chapter to give in the briefest manner possible some intelligent idea of the relative value and utility of the different classes of lawbooks, to give the student some perspective in looking on the enormous and bewildering mass of legal publications. This is but the beginning of his education. Experience is required to teach the practitioner or judge how to avail himself to the best advantage of the appliances which have been devised and prepared for his use by generations of legal editors and law-book publishers, with the expenditure of years of patient labor and millions of dollars of money.

The young lawyer should determine at the threshold of his professional career to own those books which are most serviceable—the books which he must most frequently consult. These are, first of all, the statute law of his own state; next, reports of decisions of the appellate courts before which he is to practice; and, as an incident, the best digest of those reports. Then the best elementary text-books, giving in convenient form the statements of the leading principles or rules of law of the leading subjects. Then he will need some one or more of the great compendiums of the law, the Century Digest, one of the encyclopædias, or series of annotated cases. These compendiums serve the lawyer who has access to a large, well-equipped law library as a key to the library, enabling him to prepare his references to the reports at his own desk, thus minimizing the time of his absence from his office. On the other hand, the country lawyer, who must rely on his private library for his authorities, will find in these compendious works the best working substitutes for the general library. As time goes on, experience will show what other books will best serve his individual needs, and he will surround himself with the friends and counselors which he has found most worthy of his confidence.

PART IV.

HOW TO FIND THE LAW.

By JAMES E. WHEELER,

Lecturer, Yale University Law School.

§ 75. Introductory.
76. Theory of Classification.
77. Main Heads of the Law Categorically Arranged.
78. Main Heads of the Law Alphabetically Arranged.
79. Main Heads of the Law Defined.
80. Statements of Facts with Practical Hints on the Proper Way to Look up the Law.

§ 75. Introductory.

It is obvious that success in the search for authorities and preparation of a brief is dependent to a large extent on the method pursued by the investigator. Not only must the exact principle of law governing the facts in the case submitted be determined, but the search for authorities supporting that principle must be followed in a systematic manner and the results arranged in logical order. No effective result can be obtained by haphazard and superficial examination of the sources of the law. Reason and experience would seem to suggest that the desired result can best be obtained by pursuing substantially the method outlined below.

(1) The first step in looking up the law is to make a careful examination of the statement of facts submitted and a minute analysis of its component parts. In every statement of facts concerning which legal authorities are desired there is much irrelevant matter. Naturally, a client untrained in the law is unable to state his case so succinctly that some facts not pertinent thereto will not enter into his statement. This irrelevant matter should be eliminated at the start, and the statement should be studied thoroughly, so that the salient points may be selected and kept constantly in mind during the examination of authorities. Concentration of attention is absolutely essential to success in looking up law. If the mind is allowed to wander from the

facts in the statement, the authorities found will inevitably be inapplicable and irrelevant. This power of concentration is acquired only by intellectual training and is strengthened by practice. When the statement has been studied and analyzed, it will be found that there is at least one general principle of law involved. The discovery of this general principle will depend largely upon the familiarity of the student or lawyer with the general classification of legal propositions. Every lawyer has, consciously or unconsciously, some theory of classification in his own mind, acquired either as a result of his knowledge of legal principles or from the study of some logical standard of classification. Such a logical standard is presented by the American Digest Classification Scheme, the theory of which is explained in a succeeding section. Having clearly in mind a scheme of classification of legal principles and a general knowledge of legal terms and titles, it will be comparatively easy for the investigator to decide under which head to look for authorities.

(2) Having determined the controlling facts and the general principle of law involved in the case submitted, the investigator should ascertain whether any principle of constitutional or statute law is involved. The first sources, therefore, in which to look for law, are the constitution and the statutes. In many instances the searcher will find some statement in a text-book or case from another jurisdiction which seems particularly apt, only to find on the trial that his opponent can refute his authority by reference to a statute which has been overlooked. It is therefore of the utmost importance that the investigator should determine at the outset whether his case is governed by any statute, state or federal.

(3) Next in importance as authorities are the decisions of the courts of last resort of the state in which the case has arisen. Keeping the attention constantly fixed on the statement of facts submitted, a systematic search should be made in the State Digests, Century Digest, and the American or General Digests, for cases involving similar facts and principles. If such are found, the report of the case should

be read with great care. The judicial history of the principle on which the cases are decided should be traced by a careful examination of the cases cited in the report under examination, and by means of citation books, if such are available, the subsequent history of the case should be followed out.

Though one case in point from the decisions of one's own state is worth more than several cases from another jurisdiction, it is almost always necessary, if not imperative, that search should be made for other authorities. Of such other authorities the most important are the decisions of the federal courts. Next in order come the decisions of the courts of last resort of other states, and finally the decisions of the English courts, so far as they involve general principles of law. Too much stress cannot, however, be laid upon the necessity of consulting the report itself.

(4) As a secondary source of authority, reference should be made to text-books treating of the general subject to which the principle involved in the case under investigation belongs. While text-books are important aids in looking up the law, they are not to be regarded as of primary authority. Certain text-books have deservedly acquired a great reputation as authority, due to the thoughtful and logical treatment of the subject and the repeated indorsements of approval in the decisions of the courts. In some of the great legal works the statement of the author concerning the law has almost become law itself. The Commentaries of Blackstone and Kent have been cited so often by courts of last resort that the propositions of law contained therein have gained considerable weight as authority. But the majority of text-books are valuable merely as secondary aids. The fact that a case is cited in the text-book to the principle should not be accepted as final, but the case itself should be examined for the purpose of ascertaining whether it does in fact support the proposition to which it is cited. The same may be said of the statements of law in encyclopædias, which, for the purposes of the searcher, should be classed with text-books. Before using the text or notes reference should always be made to the cases cited to ascertain

whether the proposition of law in the text is sustained by the authorities.

In this connection attention may be called to the advisability, when a case in point is found either in the digest, an encyclopædia, or a text-book, of consulting the tables of cases cited, in other text-books on the same or similar subjects. The investigator may be led to valuable comment on the case, showing its weight as an authority.

(5) Valuable material for the brief may often be obtained by tracing backward the judicial history of the cases investigated, by means of the cases cited in the opinion. Too much stress cannot be laid on the importance of tracing the subsequent history of a case by means of annotations, citation books, and collections of cases cited, followed, distinguished, or overruled. There are numerous publications of this character, and when available they should be used to follow up the history of the case in its own or any other jurisdictions. Reference to such publications is often the only source of information as to whether a case has been overruled by a subsequent decision.

§ 76. Theory of Classification.

Attention has already been called to the necessity of acquiring a logical theory of classification of the law, and reference has been made to the American Digest Classification Scheme as a standard system of classification. Intimate familiarity with such a standard system is of great value to the searcher for legal authorities. If he can carry in his mind a large number of main heads under which legal authorities may be found, he will more easily find the proper place to look for the law. After years of study of text-books and cases he will probably have acquired some sort of a system of classification of his own, but whether logical and practical or not will depend on his absorption of legal principles and his intellectual equipment. Whether so gifted or not, the student or lawyer will find that a study of some standard system of classification, prepared upon logical principles and adapted for practical use, will be of inestimable benefit to him in the search for authorities.

The American Digest Classification Scheme, recommended by a committee of the American Bar Association,

has become the standard system, and is now used in many legal publications. It is founded on the following principle or theorem: "Law is the effort of society to protect PERSONS, including CORPORATIONS, in their rights and relations, to guard them in their PROPERTY, enforce their CONVEYANCES and CONTRACTS, and redress or punish their WRONGS and CRIMES by means of judicial REMEDIES founded upon EVIDENCE and administered by the civil arm of GOVERNMENT." This statement was subsequently condensed by placing CORPORATIONS under PERSONS, CONVEYANCES under PROPERTY, and EVIDENCE under REMEDIES, so that the following resulted:

> "Law is the effort of society to protect PERSONS in their rights and relations, to guard them in their PROPERTY, enforce their CONTRACTS, hold them to their liability for their TORTS, punish their CRIMES by means of REMEDIES administered by the GOVERNMENT."

The Scheme therefore begins with seven large subdivisions of the law.

1. PERSONS.
2. PROPERTY.
3. CONTRACTS.
4. TORTS.
5. CRIMES.
6. REMEDIES.
7. GOVERNMENT.

It would naturally prove too laborious and practically impossible to find authorities covering a special statement of facts under such general heads. Consequently, these heads have been subdivided into as many particular heads as possible, regard being had to the requirement that each particular head should be inclusive, and should cover everything peculiar to itself, and nothing which could properly be placed under another head. Under the original seven large heads, so far as possible, matters of general application are placed. All matters which would naturally fall

under the large general subdivision are divided into specific or main heads wherever it is possible to do so. The order given above forms a natural order of precedence from Persons to Government, which is constantly observed in all subdivisions. Under the general subdivision of PERSONS are placed titles for matters pertaining to natural persons generally, such as Signatures, Domicile, Time, Food, Health, Names, etc.; titles for classes of natural persons, such as Infants, Insane Persons, Convicts, Drunkards, Aliens, Spendthrifts; titles for personal relations, such as Husband and Wife, Parent and Child, Guardian and Ward, Attorney and Client; titles for associated and artificial persons, such as Partnership, Associations, Clubs, Corporations; titles for particular occupations, such as Agriculture, Brokers, Carriers, Innkeepers, Warehousemen, etc. But there are no titles or main heads for classes of persons or relations not objects of important special regulations, or for occupations subject only to general regulations. Under the general title of PROPERTY are found main heads relating to the nature, subjects, and incidents of ownership, such as Accession, Confusion of Goods, Improvements; particular subjects and incidents of ownership, such as Public Lands, Woods and Forests, Mines and Minerals, Animals, Patents, Fixtures, etc.; particular classes of estates or interests in property, such as Life Estates, Landlord and Tenant, Remainders, Easements, Trusts, etc.; particular modes of acquiring or transferring property, such as Adverse Possession, Deeds, Wills, Gifts, Pledges, Conversion, etc. Under the general head of CONTRACTS are found main heads covering the nature, requisites, and incidents of agreements in general, such as Customs and Usages, Statute of Frauds, Interest, and Usury; particular classes of agreements, such as Sales, Subscriptions, Bills and Notes, Guaranty, etc.; particular classes of implied or constructive contracts or quasi contracts, such as Work and Labor, Money Paid, Account Stated, Use and Occupation, etc.; and particular modes of discharging contracts, such as Payment, Tender, Novation, Release, and Subrogation. Under the general head of TORTS are the main heads relating to different

classes of torts, such as Assault and Battery, Trover and Conversion, Fraud, Libel, Nuisance, etc. The subdivision of CRIMES is simply a list of crimes as main heads. The general head REMEDIES is divided into main heads covering remedies by act or agreement of parties, such as Accord and Satisfaction, Arbitration and Award, etc.; remedies by possession or notice, such as Liens; means and methods of proof, such as Evidence, Oath, Records, etc.; civil actions in general, such as Action, Set-Off, Parties, etc.; particular proceedings in civil actions, such as Process, Appearance, Pleading, Trial, Damages, Judgment, Costs, etc.; particular remedies incident to civil actions, such as Arrest, Attachment, Garnishment, Injunction, etc.; particular modes of review in civil actions, such as Bill of Exceptions, Review, Appeal and Error, etc.; actions to establish ownership or recover possession of specific property, such as Real Actions, Ejectment, Replevin, Interpleader; forms of actions for debts or damages, such as Debt, Assumpsit, Account, etc.; actions for particular forms of special relief, such as Divorce, Partition, Specific Performance, Reformation of Instruments, etc.; civil proceedings other than actions, such as Habeas Corpus, Mandamus, Quo Warranto, Scire Facias, etc.; special civil jurisdictions and procedure therein, such as Equity, Admiralty, Insolvency, Bankruptcy; and proceedings particular to criminal cases, such as Extradition, Grand Jury, Fines, Pardons, etc. The last general head of GOVERNMENT covers political bodies and divisions under main heads, such as United States, States, Counties, Towns, Municipal Corporations, etc.; systems and sources of law, including Common Law, Constitutional Law, International Law, etc.; legislative and executive powers and functions, such as Eminent Domain, Taxation, Highways, Private Roads, Pensions, Census, etc.; judicial powers and functions, and courts and their officers, such as Courts, Judges, Contempt, etc.; civil service officers and institutions, such as Sheriffs, Coroners, Newspapers, Hospitals, Asylums, etc.; and, lastly, military and naval service and war, including Militia, Army and Navy, and War.

It will be seen from this summary that some main heads are classified rather arbitrarily and without any especial logical method, but the system aims at practical results and conformity to usage, rather than hard and fast logical analysis. Some general observations may be pertinent. The main heads in many cases include various matters concerning which the same general rules of law are applicable; as, for instance, the title Insane Persons includes imbeciles, idiots, and lunatics; the main head Warehousemen includes wharfingers, safe deposit companies, and grain elevators; and the title Innkeeprs includes boarding house keepers and lodging house keepers. For classes of persons distinguished by the existence of a particular legal disability, the name of the class is used, rather than the term denoting the disability, as "Infants," "Insane Persons," instead of "Infancy," "Insanity." Substantives are preferred to adjectives, especially for the initial word of the title, unless the adjective be the more significant or important word. Thus, "Drunkards" is adopted, rather than "Habitual Drunkards," but "Intoxicating Liquors" is preferred to "Liquors." There are 412 of these main heads, a list of which, arranged categorically and alphabetically, will be found at the end of this chapter with the scope of each heading defined. In subdividing the main heads the same general method is pursued and the same order of precedence followed. General subdivisions covering general matters applicable to the whole topic are followed by subdivisions arranged logically down to the minutest particulars. If there is any doubt in the mind of the investigator whether the matter is of general or particular application, the matter is to be looked for under the particular, rather than under the general, head. Cross references in great numbers are used to assist the searcher.

"To give, now, some illustrations of how these fundamental rules which have been set forth are applied. Suppose a series of propositions is placed before the digester to be classified and arranged, involving (1) the protection of the person, (2) the disposition of property, (3) contract rights, (4) liability for torts, (5) responsibility for crimes,

(6) capacity to sue or defend, and (7) eligibility to hold public office. If the principle involved in the first proposition was that an infant who has lost his parents should be bestowed with some near relations, or with some charitable organization, or with an orphan asylum, it is obvious that under the rules laid down for the distribution of main heads such matter must be placed under the main head 'Infants,' there being no general head of 'Persons,' and the rule being to distribute material under the particular head which will cover it. So, also, if the second proposition named above, relating to the disposition of property, involved the disposition of an infant's property, the proper place to put it would be under 'Infants,' for this reason: the rule is that general heads of wide application are intended for matter which is of a general nature, and particular heads for matter which is of narrow or limited application. Now, the head of 'Property' is intended to cover propositions relating to property in general, such as the distinction between realty and personalty. The other main heads involving property are intended to cover particular subjects and incidents of ownership, particular classes of estates or interest in property, and particular modes of acquiring or transferring property. It is obvious that the point involved here does not apply to any of the heads of property, but as it pertains to the property rights of an infant, and as the head 'Infants' is a main head falling under the first general division, viz., 'Persons,' the rule of precedence above laid down requires that it be placed under 'Infants,' because under the above arrangement, 'Persons,' or the subdivision of 'Persons,' takes precedence of the division of 'Property.' So, with the matter relating to 'Contracts,' if it involves a general question of contracts it should go under 'Contracts'; if it involves a question relating to a particular contract, such as sales, bills or notes, guaranty, etc., it should be placed under one of those heads. But if it involves the disability of an infant to contract, under the rule of precedence above named, it should be placed under 'Infants,' although it pertains to the infant's disability to make a particular contract, because everything pertaining to persons takes precedence of mat-

ters pertaining to contracts. So with the proposition involving liability for torts. If the matter involved is a general question of what constitutes a tort, it should be placed under the general main head of 'Torts,' or under some particular main head covering torts, such as 'Negligence,' 'Malicious Prosecution,' 'Libel and Slander'; but, if it involves the liability of an infant for torts, it should, under rule of precedence, be placed under 'Infants.' So with the responsibility of an infant for crimes, his capacity to sue or defend, and his eligibility to hold public office; all of these propositions should be placed under 'Infants' rather than under 'Criminal Law,' or the particular head covering the particular crime, or under 'Actions' or 'Parties,' or under 'Officers' or the particular head covering a particular officer. This rule applies in like manner to other classes of persons and personal relations, as 'Insane Persons,' 'Husband and Wife,' 'Aliens.'

"A different illustration of the operation of this rule of precedence may be found in the subject of negligence, which, as a tort, falls under division 4.

"The liability for negligence of an infant, involving the personal incapacity and the liability for negligence of a master as to his servant, involving the personal relation between them, are assigned to the heads under division 1, 'Persons,' viz., 'Infants' and 'Master and Servant.' The liability for negligence as to the condition of premises occupied by a tenant, involving the duties relative to his estate in the property, goes to the head including that estate belonging to division 2, relating to property, viz., 'Landlord and Tenant.' The same may be said as to all other cases of negligence involving any obligation dependent on personal, property, or contract relations. Now, the result of this method is that there remain to be placed under the main head 'Negligence' only cases arising between 'strangers,' independent of rules of law peculiar to classes of persons or species of property, or rights or obligations incident to either, or contracts relating thereto. As to the matters so included, the main head 'Negligence' covers them fully; what constitutes actionable negligence; the

doctrine of proximate cause; and contributory negligence, including imputed and comparative negligence. And this head of 'Negligence' includes also, by reason of its precedence over subsequent divisions, matters which might apply to these subsequent divisions, such as actions for negligence which might be placed under some remedy head, were it not for this rule of precedence; and criminal responsibility for negligence, which might be placed under a criminal head, were it not for this rule of precedence."

§ 77. Main Heads of the Law Categorically Arranged.

I.

PERSONS.

1. Matters Relating to Natural Persons in General.

Names	Food
Signatures	Intoxicating Liquors
Seals	Poisons
Domicile	Weapons
Time	Civil Rights
Sunday	Death
Holidays	Dead Bodies
Health	

2. Particular Classes of Natural Persons.

Citizens	Insane Persons
Absentees	Drunkards
Aliens	Spendthrifts
Indians	Paupers
Bastards	Slaves
Infants	Convicts

3. Personal Relations.

Marriage	Executors and Administrators
Husband and Wife	Attorney and Client
Parent and Child	Principal and Agent
Adoption	Master and Servant
Guardian and Ward	Apprentices

PERSONS (Cont'd).

4. ASSOCIATED AND ARTIFICIAL PERSONS.

Partnership
Associations
Joint Stock Companies
Corporations
Clubs
Beneficial Associations
Building and Loan Associations
Trade Unions
Exchanges
Colleges and Universities
Religious Societies

5. PARTICULAR OCCUPATIONS.

Agriculture
Manufactures
Commerce
Monopolies
Licenses
Physicians and Surgeons
Druggists
Theaters and Shows
Innkeepers
Livery Stable Keepers
Warehousemen
Pawnbrokers
Banks and Banking
Insurance
Mercantile Agencies
Detectives
Brokers
Factors
Auctions and Auctioneers
Hawkers and Peddlers
Carriers
Railroads
Street Railroads
Turnpikes and Toll Roads
Bridges
Ferries
Canals
Shipping
Seamen
Pilots
Towage
Wharves
Telegraphs and Telephones
Steam
Electricity
Gas
Explosives

2.

PROPERTY.

1. NATURE, SUBJECTS, AND INCIDENTS OF OWNERSHIP IN GENERAL.

Property
Adjoining Landowners
Improvements
Accession
Confusion of Goods
Abandonment

2. PARTICULAR SUBJECTS AND INCIDENTS OF OWNERSHIP.

Public Lands
Common Lands
Cemeteries
Boundaries

PROPERTY (Cont'd).

2. Particular Subjects and Incidents of Ownership (Cont'd).

Fences
Party Walls
Mines and Minerals
Navigable Waters
Waters and Water Courses
Woods and Forests
Logs and Logging
Crops
Animals
Game
Fish
Fixtures
Good Will
Trade-Marks and Trade-Names
Literary Property
Copyrights
Patents
Franchises
Annuities

3. Particular Classes of Estates or Interests in Property.

Estates
Estates Tail
Life Estates
Dower
Curtesy
Landlord and Tenant
Ground Rents
Reversions
Remainders
Joint Tenancy
Tenancy in Common
Easements
Trusts
Charities
Perpetuities
Powers

4. Particular Modes of Acquiring or Transferring Property.

Adverse Possession
Finding Lost Goods
Dedication
Gifts
Deeds
Assignments
Mortgages
Chattel Mortgages
Pledges
Assignments for Benefit of Creditors
Fraudulent Conveyances
Escrows
Lost Instruments
Alteration of Instruments
Wills
Conversion
Descent and Distribution
Escheat
Abstracts of Title

8.

CONTRACTS.

1. Nature, Requisites, and Incidents of Agreements in General.

Contracts
Frauds, Statute of
Customs and Usages
Interest
Usury

CONTRACTS (Cont'd).

2. Particular Classes of Agreements.

Breach of Marriage Promise
Bailment
Depositaries
Sales
Vendor and Purchaser
Exchange of Property
Covenants
Bonds
Bills and Notes
Rewards
Subscriptions
Joint Adventures
Principal and Surety
Guaranty
Indemnity
Compromise and Settlement
Compositions with Creditors
Champerty and Maintenance
Gaming
Lotteries

3. Particular Classes of Implied or Constructive Contracts or Quasi Contracts.

Work and Labor
Use and Occupation
Money Lent
Money Paid
Money Received
Account Stated
Contribution

4. Particular Modes of Discharging Contracts.

Payment
Tender
Novation
Subrogation
Release

4.

TORTS.

Torts
Assault and Battery
False Imprisonment
Malicious Prosecution
Negligence
Nuisance
Trespass
Forcible Entry and Detainer
Waste
Trover and Conversion
Collision
Fraud
Seduction
Libel and Slander
Conspiracy

5.

CRIMES.

Criminal Law	Common Scold
Suicide	Blasphemy
Homicide	Obscenity
Mayhem	Fornication
Abortion	Incest
Rape	Miscegenation
Sodomy	Adultery
Kidnapping	Bigamy
Abduction	Lewdness
Arson	Prostitution
Fires	Disorderly House
Malicious Mischief	Breach of the Peace
Burglary	Dueling
Robbery	Prize Fighting
Threats	Affray
Extortion	Unlawful Assembly
Larceny	Riot
Embezzlement	Compounding Felony
False Pretenses	Obstructing Justice
False Personation	Bribery
Receiving Stolen Goods	Embracery
Forgery	Perjury
Counterfeiting	Escape
Adulteration	Rescue
Vagrancy	Insurrection
Disorderly Conduct	Treason
Disturbance of Public Assemblage	Neutrality Laws
	Piracy

6.

REMEDIES.

1. Remedies by Act or Agreement of Parties.

Accord and Satisfaction	Submission of Controversy
Arbitration and Award	

2. Remedies by Possession or Notice.

Liens	Salvage
Mechanics' Liens	Notice
Maritime Liens	Lis Pendens

REMEDIES (Cont'd).

3. Means and Methods of Proof.

Evidence	Oath
Witnesses	Acknowledgment
Depositions	Records
Affidavits	Estoppel

4. Civil Actions in General.

Action	Limitation of Actions
Election of Remedies	Venue
Set-Off and Counterclaim	Parties

5. Particular Proceedings in Civil Actions.

Process	Trial
Appearance	Reference
Abatement and Revival	Damages
Pleading	Judgment
Stipulations	Execution
Motions	Exemptions
Dismissal and Nonsuit	Homestead
Continuance	Costs
Jury	

6. Particular Remedies Incident to Civil Actions.

Arrest	Garnishment
Ne Exeat	Discovery
Bail	Injunction
Recognizances	Receivers
Undertakings	Sequestration
Deposits in Court	Judicial Sales
Attachment	Assistance, Writ of

7. Particular Modes of Review in Civil Actions.

Exceptions, Bill of	Certiorari
New Trial	Review
Appeal and Error	Audita Querela

8. Actions to Establish Ownership or Recover Possession of Specific Property.

Real Actions	Detinue
Entry, Writ of	Replevin
Ejectment	Possessory Warrant
Trespass to Try Title	Interpleader
Quieting Title	

REMEDIES (Cont'd).

9. Forms of Actions for Debts or Damages.

Debt, Action of	Assumpsit, Action of
Account, Action on	Action on the Case
Covenant, Action of	

10. Actions for Particular Forms of Special Relief.

Divorce	Specific Performance
Partition	Account
Cancellation of Instruments	Creditors' Suit
Reformation of Instruments	Marshaling Assets and Securities

11. Civil Proceedings Other Than Actions.

Habeas Corpus	Quo Warranto
Mandamus	Scire Facias
Prohibition	Supersedeas

12. Special Civil Jurisdictions and Procedure Therein.

Equity	Insolvency
Admiralty	Bankruptcy

13. Proceedings Peculiar to Criminal Cases.

Extradition	Forfeitures
Searches and Seizures	Penalties
Grand Jury	Fines
Indictment and Information	Pardon

7.

GOVERNMENT.

1. Political Bodies and Divisions.

United States	Counties
States	Towns
Territories	Municipal Corporations
District of Columbia	

2. Systems and Sources of Law.

Common Law	Constitutional Law
International Law	Statutes
Parliamentary Law	Treaties

GOVERNMENT (Cont'd).

3. Legislative and Executive Powers and Functions.

Eminent Domain	Highways
Taxation	Private Roads
Customs Duties	Levees
Internal Revenue	Drains
Bounties	Census
Pensions	Weights and Measures
Schools and School Districts	Inspection
Post Office	

4. Judicial Powers and Functions, and Courts and Their Officers.

Courts	Court Commissioners
Removal of Causes	United States Commissioners
Judges	Amicus Curiæ
Justices of the Peace	Reports
Clerks of Courts	Contempt

5. Civil Service, Officers, and Institutions.

Officers	Coroners
Elections	Sheriffs and Constables
Ambassadors and Consuls	United States Marshals
Notaries	Newspapers
Registers of Deeds	Hospitals
Attorney General	Asylums
District and Prosecuting Attorneys	Reformatories
	Prisons

6. Military and Naval Service and War.

Militia	War
Army and Navy	

§ 78. Main Heads of the Law Alphabetically Arranged.

Abandonment.	Account, Action on.
Abatement and Revival.	Account Stated.
Abduction.	Acknowledgment.
Abortion.	Action.
Absentees.	Action on the Case.
Abstracts of Title.	Adjoining Landowners.
Accession.	Admiralty.
Accord and Satisfaction.	Adoption.
Account.	Adulteration.

Adultery.
Adverse Possession.
Affidavits.
Affray.
Agriculture.
Aliens.
Alteration of Instruments.
Ambassadors and Consuls.
Amicus Curiæ.
Animals.
Annuities.
Appeal and Error.
Appearance.
Apprentices.
Arbitration and Award.
Army and Navy.
Arrest.
Arson.
Assault and Battery.
Assignments.
Assignments for Benefit of Creditors.
Assistance, Writ of.
Associations.
Assumpsit, Action of.
Asylums.
Attachment.
Attorney and Client.
Attorney General.
Auctions and Auctioneers.
Audita Querela.

Bail.
Bailment.
Bankruptcy.
Banks and Banking.
Bastards.
Beneficial Associations.
Bigamy.
Bills and Notes.
Blasphemy.
Bonds.
Boundaries.
Bounties.
Breach of Marriage Promise.
Breach of the Peace.
Bribery.
Bridges.
Brokers.
Building and Loan Associations.
Burglary.

Canals.
Cancellation of Instruments.
Carriers.
Cemeteries.
Census.
Certiorari.
Champerty and Maintenance.
Charities.
Chattel Mortgages.
Citizens.
Civil Rights.
Clerks of Courts.
Clubs.
Colleges and Universities.
Collision.
Commerce.
Common Lands.
Common Law.
Common Scold.
Compositions with Creditors.
Compounding Felony.
Compromise and Settlement.
Confusion of Goods.
Conspiracy.
Constitutional Law.
Contempt.
Continuance.
Contracts.
Contribution.
Conversion.
Convicts.
Copyrights.
Coroners.
Corporations.
Costs.
Counterfeiting.
Counties.
Court Commissioners.
Courts.
Covenant, Action of.
Covenants.
Creditors' Suit.
Criminal Law.
Crops.

Curtesy.
Customs and Usages.
Customs Duties.

Damages.
Dead Bodies.
Death.
Debt, Action of.
Dedication.
Deeds.
Depositaries.
Depositions.
Deposits in Court.
Descent and Distribution.
Detectives.
Detinue.
Discovery.
Dismissal and Nonsuit.
Disorderly Conduct.
Disorderly House.
District and Prosecuting Attorney.
District of Columbia.
Disturbance of Public Assemblage
Divorce.
Domicile.
Dower.
Drains.
Druggists.
Drunkards.
Dueling.

Easements.
Ejectment.
Election of Remedies.
Elections.
Electricity.
Embezzlement.
Embracery.
Eminent Domain.
Entry, Writ of.
Equity.
Escape.
Escheat.
Escrows.
Estates.
Estates Tail.
Estoppel.
Evidence.
Exceptions, Bill of.
Exchange of Property.
Exchanges.
Execution.
Executors and Administrators.
Exemptions.
Explosives.
Extortion.
Extradition.

Factors.
False Imprisonment.
False Personation.
False Pretenses.
Fences.
Ferries.
Finding Lost Goods.
Fines.
Fires.
Fish.
Fixtures.
Food.
Forcible Entry and Detainer.
Forfeitures.
Forgery.
Fornication.
Franchises.
Fraud.
Frauds, Statute of.
Fraudulent Conveyances.

Game.
Gaming.
Garnishment.
Gas.
Gifts.
Good Will.
Grand Jury.
Ground Rents.
Guaranty.
Guardian and Ward.

Habeas Corpus.
Hawkers and Peddlers.
Health.
Highways.
Holidays.
Homestead.

Homicide.
Hospitals.
Husband and Wife.

Improvements.
Incest.
Indemnity.
Indians.
Indictment and Information.
Infants.
Injunction.
Innkeepers.
Insane Persons.
Insolvency.
Inspection.
Insurance.
Insurrection.
Interest.
Internal Revenue.
International Law.
Interpleader.
Intoxicating Liquors.

Joint Adventures.
Joint-Stock Companies.
Joint Tenancy.
Judges.
Judgment.
Judicial Sales.
Jury.
Justices of the Peace.

Kidnapping.

Landlord and Tenant.
Larceny.
Levees.
Lewdness.
Libel and Slander.
Licenses.
Liens.
Life Estates.
Limitation of Actions.
Lis Pendens.
Literary Property.
Livery Stable Keepers.
Logs and Logging.
Lost Instruments.
Lotteries.

Malicious Mischief.
Malicious Prosecution.
Mandamus.
Manufactures.
Maritime Liens.
Marriage.
Marshaling Assets and Securities.
Master and Servant.
Mayhem.
Mechanics' Liens.
Mercantile Agencies.
Militia.
Mines and Minerals.
Miscegenation.
Money Lent.
Money Paid.
Money Received.
Monopolies.
Mortgages.
Motions.
Municipal Corporations.

Names.
Navigable Waters.
Ne Exeat.
Negligence.
Neutrality Laws.
Newspapers.
New Trial.
Notaries.
Notice.
Novation.
Nuisance.

Oath.
Obscenity.
Obstructing Justice.
Officers.

Pardon.
Parent and Child.
Parliamentary Law.
Parties.
Partition.
Partnership.
Party Walls.
Patents.
Paupers.
Pawnbrokers.

Payment.
Penalties.
Pensions.
Perjury.
Perpetuities.
Physicians and Surgeons.
Pilots.
Piracy.
Pleading.
Pledges.
Poisons.
Possessory Warrant.
Post Office.
Powers.
Principal and Agent.
Principal and Surety.
Prisons.
Private Roads.
Prize Fighting.
Process.
Prohibition.
Property.
Prostitution.
Public Lands.

Quieting Title.
Quo Warranto.

Railroads.
Rape.
Real Actions.
Receivers.
Receiving Stolen Goods.
Recognizances.
Records.
Reference.
Reformation of Instruments.
Reformatories.
Registers of Deeds.
Release.
Religious Societies.
Remainders.
Removal of Causes.
Replevin.
Reports.
Rescue.
Reversions.
Review.
Rewards.
Riot.
Robbery.

Sales.
Salvage.
Schools and School Districts.
Scire Facias.
Seals.
Seamen.
Searches and Seizures.
Seduction.
Sequestration.
Set-Off and Counterclaim.
Sheriffs and Constables.
Shipping.
Signatures.
Slaves.
Sodomy.
Specific Performance.
Spendthrifts.
States.
Statutes.
Steam.
Stipulations.
Street Railroads.
Submission of Controversy.
Subrogation.
Subscriptions.
Suicide.
Sunday.
Supersedeas.

Taxation.
Telegraphs and Telephones.
Tenancy in Common.
Tender.
Territories.
Theaters and Shows.
Threats.
Time.
Torts.
Towage.
Towns.
Trade-Marks and Trade-Names.
Trade Unions.
Treason.
Treaties.

Trespass.
Trespass to Try Title.
Trial.
Trover and Conversion.
Trusts.
Turnpikes and Toll Roads.

Undertakings.
United States.
United States Commissioners.
United States Marshals.
Unlawful Assembly.
Use and Occupation.
Usury.

Vagrancy.
Vendor and Purchaser.
Venue.

War.
Warehousemen.
Waste.
Waters and Water Courses.
Weapons.
Weights and Measures.
Wharves.
Wills.
Witnesses.
Woods and Forests.
Work and Labor.

§ 79. Main Heads of the Law Defined.

ABANDONMENT.

Abandonment is the surrender, relinquishment, disclaimer, or cession of property or other rights, but the topic, as treated under the American Digest Scheme, includes only the general nature of the relinquishment of property, or other rights, as distinguished from dedication, surrender, or waiver. Abandonment, as extinguishing title or right, is also included. The accidental loss of property is considered under FINDING LOST GOODS, while the abandonment of particular persons or personal relations, or of particular species of property rights, remedies, or proceeds, will be found under specific heads relating thereto. For instance, abandonment of husband or wife as ground for divorce is under DIVORCE; consent of parents to adoption of abandoned children is under ADOPTION; abandonment of property covered by marine insurance is treated under INSURANCE; abandonment of an appeal is under APPEAL AND ERROR; abandonment of liens is treated under ATTACHMENT, ATTORNEY AND CLIENT, BANKS AND BANKING, MECHANICS' LIENS, according to the nature of the lien or the person holding it.

ABATEMENT AND REVIVAL.

This topic treats of the suspension or defeat of civil actions in general by matters affecting the procedure merely, and not the merits of the cause of action; the grounds of such abatement, as want of jurisdiction, bringing more than one action for the same cause, defects or irregularities in bringing an action, or in joinder or designation of parties thereto, and death or disability of parties occurring either before or after action is brought; necessity of pleading, or otherwise

taking advantage of matter in abatement, and effect of failure to do so, and revival of actions which survive. The abatement of particular kinds of actions, and of civil remedies other than actions, are excluded, and will be found under the specific heads which treat particularly of those actions and remedies. Thus, the abatement of criminal prosecutions is under CRIMINAL LAW; the abatement of rights of action by or against personal representatives is found under EXECUTORS AND ADMINISTRATORS; the requisites and sufficiency of pleas in abatement in general are treated under PLEADING; and the substitution of parties in pending actions is found in the topic PARTIES.

ABDUCTION.

Abduction is taking, enticing away, detaining, or harboring a female without her consent, or, if under the age of consent, without the consent of her parents or guardian, for the purpose of compelling her to marry, or to be defiled, or for the purpose of sexual intercourse, concubinage, or prostitution; and attempts to commit such offenses, and aiding therein, are also considered. The topic also includes the nature and extent of criminal responsibility for the offense, grounds of defense, prosecution and punishment, and civil liability therefor. Enticing away a servant from his employment is under MASTER AND SERVANT; kidnapping in general will be found under KIDNAPPING, and seduction is treated under the topic SEDUCTION.

ABORTION.

This offense consists in seeking to procure a miscarriage or premature delivery of a pregnant woman, and acts done for or in aid of such purpose; and included in the topic will be found the prosecution and punishment of such acts as public offenses. Homicide committed in attempting to procure an abortion is under HOMICIDE. Conspiracy to procure an abortion is treated under CONSPIRACY, but the question as to who are principals and who are accessories in committing the offense is included in CRIMINAL LAW. The liability of a physician for malpractice is under PHYSICIANS AND SURGEONS.

ABSENTEES.

An absentee is a person who resides out of the state, or who has departed from the state and has no representative therein. The topic also includes the rights of absentees and their disabilities in general, the control and protection of their property, and legal proceedings affecting them. The representation of absent parties in actions in general will be found under PARTIES, but the representation of absent heirs is dealt with under DESCENT AND DISTRIBUTION and EXECUTORS AND ADMINISTRATORS. The ques-

tion of nonresidence, absence, etc., as ground for arrest, attachment, or other special remedies, will be considered under the specific heads of ARREST, ATTACHMENT, etc. The confiscation of property of absentees as public enemies is under the topic WAR. Questions concerning the service of process on an absent defendant will be considered under PROCESS.

ABSTRACTS OF TITLE.

An abstract of title is a brief statement of the history of the title to real property, and summaries of the conveyances or other instruments, and facts affecting the title to such property, or subjecting it to incumbrances, liens, or other liabilities, which are usually prepared to show the title of vendors, mortgagors, etc. The nature, requisites, and incidents of abstracts, and liabilities of those preparing or furnishing them, are included in this topic. The rights and liabilities of parties to sales, in respect of such abstracts, are under VENDOR AND PURCHASER, while similar rights and liabilities, in case of a mortgage, are under MORTGAGES. The insurance of titles is included in the topic INSURANCE. Under the topic EVIDENCE will be found all questions as to the admissibility of abstracts in evidence.

ACCESSION.

Included under the topic of ACCESSION are additions or increments to property, real or personal, or augmentation of its value otherwise than by natural growth or increase or by intermingling goods of the same kind. Additions to the soil by accretion or reliction will be found under WATERS AND WATER COURSES; improvements placed on real property are treated under IMPROVEMENTS; and intermixture of goods of the same kind belonging to different owners is under CONFUSION OF GOODS. The annexation of chattels to real property is under FIXTURES.

ACCORD AND SATISFACTION.

This topic deals with agreements for discharge of contracts or satisfaction for injuries by payment, performance, or delivery and acceptance of something different from what might legally be claimed, and the pleading of accord and satisfaction, and proof thereof, as a defense. Compromises by mutual concessions and agreements for settlement of balances will be found under COMPROMISE AND SETTLEMENT, and relinquishment of rights or claims is under RELEASE. Agreements by creditors of the same debtor to compromise with him will be found under COMPOSITIONS WITH CREDITORS.

ACCOUNT.

Under the topic of ACCOUNT will be found matters relating to actions to compel the rendering of accounts, more particularly common-law actions of account or account render, and similar statutory remedies and equitable actions of account, and operation and effect of accounts rendered and settled, either in such actions, or by voluntary act of the parties. The nature and scope of the remedy to obtain an account in general, and grounds of such actions and defenses thereto, and the persons by and against whom they may be maintained, and questions of jurisdiction to compel accounting, and proceedings therefor, are also under this topic, as well as the judgments or decrees, review of proceedings, and costs in such actions, and the opening and correcting of accounts in general. Settlements of balance of mutual accounts will be found under COMPROMISE AND SETTLEMENT, and remedies for accounting by persons in particular relations to others, or acting in particular fiduciary capacities, are under EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, and other specific heads. If the accounting is an incident to other relief, it will be found under the heads dealing with the particular relief sought, such as DISCOVERY, INJUNCTION, etc. All questions relating to annexing or furnishing copies of accounts alleged in pleading are considered under PLEADING, and admissibility and effect of accounts in evidence will be found under EVIDENCE, while the reference of actions involving accounts is under REFERENCE.

ACCOUNT, ACTION ON.

This topic deals with actions on open accounts, actions of book account or book debt, and similar statutory actions founded on accounts, as distinguished from other forms of action. It also includes the nature and scope of the remedy in general, the grounds of such actions and defenses thereto, and by and against whom they may be maintained, the proceedings therein, and review of such proceedings, and the costs incident to such actions.

ACCOUNT STATED.

This topic deals with obligations implied or imposed by law to pay the balance of an account rendered or stated between parties, and admitted to be due, independent of any express promise of payment, and the nature, requisites, incidents, operation, and effect of such statements of accounts, and the rights, liabilities, and remedies of the parties. The settlement of mutual accounts is under COMPROMISE AND SETTLEMENT, while proceedings to compel accounting and judicial settlement of accounts will be found under the topic ACCOUNT, and other specific heads which deal with persons and officers liable to account, and proceedings in actions of assumpsit are under ASSUMPSIT, ACTION OF.

ACKNOWLEDGMENT.

An acknowledgment is the formal declaration of the genuineness of an instrument in writing, made by a person executing it. Included in the topic are the proof of the execution of such instrument, made by an attesting witness, or other person, to establish the validity of such instrument or entitle it to be admitted in evidence or recorded; the nature and necessity of making acknowledgment; making, taking, form, and requisites of acknowledgments, and the form and requisites of certificates of acknowledgment, the amendment of defects therein, and conclusiveness and effect of acknowledgments and of certificates of acknowledgment. The effect of record of acknowledgment with instrument is under RECORDS.

ACTION.

An action is an ordinary proceeding in a court of justice, by which one party prosecutes another for the enforcement or protection of a right, the redress or prevention of a wrong, or the punishment of a public offense. Under the topic, as treated in the American Digest Scheme, only civil actions are included. Distinctions between civil and criminal remedies and legal and equitable remedies, between actions on contract and actions of tort, and between particular forms of actions, and the persons entitled to sue and defend, are also included in the topic. Whether remedies are cumulative or exclusive, and the joinder and splitting of causes of action, and consolidation and severance of actions; the demand or notice before suit, and leave to sue, and other conditions precedent; and commencement, prosecution, and termination of actions in general, and stay of proceedings therein—will also be found under this topic. Actions by or against particular classes of persons are sent to the specific heads dealing with such persons, as ALIENS, INFANTS, PARTNERSHIP, and actions against particular governments or political or municipal bodies or officers will be found under the appropriate topics of UNITED STATES, STATES, MUNICIPAL CORPORATIONS, OFFICERS. Actions by or against persons in particular personal relations are also excluded, and will be found under such topics as HUSBAND AND WIFE, EXECUTORS AND ADMINISTRATORS, MASTER AND SERVANT. Actions incident to particular occupations or transactions are excluded, and will be found under such topics as BANKS AND BANKING, INSURANCE, CARRIERS, RAILROADS, SHIPPING. Should the action involve or affect a particular kind of property, it will be found under the topic dealing with that particular kind of property, such as MINES AND MINERALS, WATERS AND WATER COURSES, EASEMENTS, PATENTS. If the action is for the breach of a contract, it will be found under one of the contract topics, such as CONTRACTS, BONDS, BILLS AND NOTES. Actions for injuries to person or property are under TORTS, and other topics dealing

with particular wrongs. Actions for particular forms of relief will be found under the topics dealing with the form of the relief sought, such as DIVORCE, SPECIFIC PERFORMANCE. All questions as to parties, process, appearance, pleading, motions, trial, and judgment are excluded, and will be found under appropriate topics, such as PARTIES, PLEADING, TRIAL, etc. If a cause of action is submitted to the courts without action thereon, all questions relating thereto will be found under SUBMISSION OF CONTROVERSY; and, if the cause is submitted to arbitrators, the questions relating thereto will be found under ARBITRATION AND AWARD.

ACTION ON THE CASE.

This topic deals with actions of trespass on the case, as distinguished from other forms of action; the nature and scope of the remedy in general, and the grounds of such actions, and defenses thereto; by and against whom they may be maintained; proceedings therein, review of proceedings, and costs in such actions. Particular classes of liabilities on which action may be maintained are excluded, and will be found under such topics as NEGLIGENCE, FRAUD, etc. The distinctions between forms of actions will be found under ACTION, and election between remedies is under ELECTION OF REMEDIES.

ADJOINING LANDOWNERS.

Embraced in this topic are the mutual rights, duties, and liabilities of proprietors of adjoining lands, arising from or incident to the contiguity of their lands merely. The ownership of trees on boundaries, lateral support, excavations, embankments, and structures affecting the adjoining land, encroachments, obstruction of access of light or air or of view, are all considered in this topic. Questions concerning easements are excluded, and are considered under the topic EASEMENTS, and those concerning boundaries will be considered under BOUNDARIES, while matters relating to fences and party walls will be found under the topics FENCES, PARTY WALLS. The ownership of mines or minerals, and rights connected therewith, is included in the topic MINES AND MINERALS, and questions relating to surface and subterranean waters will be considered under WATERS AND WATER COURSES.

ADMIRALTY.

The administration of the marine law, general or local, as a distinct system of jurisprudence, by courts of admiralty, is included in this topic, together with the nature, grounds, limits, and subjects of jurisdiction of admiralty in general, and procedure peculiar to suits in admiralty. Jurisdiction of courts of admiralty and its exercise over particular subjects will be found under topics which deal di-

rectly with the specific questions involved, such as SHIPPING, SEAMEN, PILOTS, TOWAGE, WHARFS, INSURANCE, NAVIGABLE WATERS, COLLISION, MARITIME LIENS, SALVAGE, CRIMINAL LAW. The organization and general conduct of business of courts of admiralty is included in the topic COURTS.

ADOPTION.

This topic has to do with the taking of a child of another as one's own child, the proceeding therefor, and rights, duties, and liabilities arising therefrom. The legitimation of illegitimate children is considered under the topic BASTARDS.

ADULTERATION.

Questions as to the corruption or dilution of articles of commerce by admixture of foreign substances, and factitious imitation or simulation of such articles in general, are dealt with in this topic, as are also the nature and extent of criminal responsibility therefor, and grounds of defense, and prosecution of such acts as public offenses. The regulation, for protection of public health, of manufacture, sale, and use of articles of food and drink, are under FOOD, and matters relating to medicines are under DRUGGISTS. The civil liabilities on sales of adulterated goods are treated under the topic SALES, and inspection for prevention of fraud is under the topic INSPECTION.

ADULTERY.

This topic deals with the offense of sexual intercourse by a married woman with a man other than her husband, or by a married man with a woman other than his wife, and solicitation to commit such acts, regarded as an offense against public morals, not merely as a breach of the obligation of marriage, and the prosecution of such acts as public offenses. Actions for criminal conversation or for alienating affections of husband or wife are under HUSBAND AND WIFE. Adultery, as a ground of divorce, is included in the topic DIVORCE, while as a provocation for homicide, it will be found under HOMICIDE. Questions concerning the offense of adulterous cohabitation are considered under LEWDNESS.

ADVERSE POSSESSION.

The possession of property so inconsistent with the possession or title of another as to constitute an element of title, or evidence of title in the possessor, is included in this topic, together with the nature, requisites, incidents, operation, and effect of such possession, and evidence relating thereto, and acquisition of title thereby. The validity of conveyances of land held adversely, and of agreements to

share property to be recovered by suit, will be found under CHAMPERTY AND MAINTENANCE. The effect of adverse possession on the rights of particular classes of persons is considered under topics dealing particularly with such persons, as INFANTS, INSANE PERSONS, JOINT TENANCY, TENANCY IN COMMON. Questions of adverse possession, as related to particular estates or interests, will be found under LIFE ESTATES, REMAINDERS, LANDLORD AND TENANT, EASEMENTS, MINES AND MINERALS, WATERS AND WATER COURSES. Adverse possession to sustain or defeat particular remedies will be found under topics dealing specially with such remedies, as EJECTMENT, TRESPASS. Limitations of remedies in general will be found under LIMITATION OF ACTIONS.

AFFIDAVITS.

An affidavit is a formal declaration or statement in writing, and under oath, as to matters of fact, whether made voluntarily or not, taken ex parte for use in legal proceedings. The topic includes the making, taking, and requisites of such affidavits, amendment of defects, and use in evidence in general. Questions relating to depositions taken on interrogatories subject to cross-examination will be found under DEPOSITIONS. Affidavits of claim of merits or of defense are included in the topic PLEADING, and affidavits for purposes incident to particular proceedings in actions or other legal proceedings will be found under appropriate topics, such as ARREST, ATTACHMENT, HABEAS CORPUS.

AFFRAY.

This offense is committed by fighting in a public place, by agreement or otherwise, to the disturbance of the public peace, and aiding therein. The topic also deals with the nature and extent of criminal responsibility for an affray, and grounds of defense, and the prosecution of such acts as public offenses. Assaults and homicides committed in affrays are excluded, and will be found under ASSAULT AND BATTERY, HOMICIDE, and riotous disturbances under RIOT. Particular forms of affray, or other similar disorderly conduct, will be found under BREACH OF THE PEACE, DISORDERLY CONDUCT, DUELING, PRIZE FIGHTING, UNLAWFUL ASSEMBLY.

AGRICULTURE.

This topic deals with the promotion and regulation of agricultural pursuits in general, public aid and protection to those engaged therein, agricultural societies, agricultural liens, and other incidental rights and remedies. Questions relating to agricultural colleges are dealt with under COLLEGES AND UNIVERSITIES; those relating to bounties under BOUNTIES. The drainage of lands, the erection

of levees, and the irrigation of lands are considered under DRAINS, LEVEES, WATERS AND WATER COURSES. Leases of agricultural lands, and liens for rent, are included in LANDLORD AND TENANT, and the ownership of crops in the topic CROPS. The regulation of transportation, storage, and inspection of agricultural products are questions that are considered under the topics COMMERCE, CARRIERS, WAREHOUSEMEN, INSPECTION.

ALIENS.

Aliens are persons of foreign allegiance, and the topic deals with their rights and disabilities in general, their exclusion or expulsion from the country, the regulation and restriction of immigration, and admission to citizenship. The rights and liabilities of an alien in respect of particular kinds of property or particular remedies will be found under topics dealing specifically with such kinds of property or remedies, as MINES AND MINERALS, SHIPPING, PATENTS, COPYRIGHTS, TRADE-MARKS AND TRADE-NAMES. The application of the law of domicile will be found under the titles of particular subjects involved. The jurisdiction of particular courts with reference to aliens is under COURTS, and escheat proceedings will be found under the topic ESCHEAT. Questions relating to alien enemies are considered under the topic WAR, and those arising in connection with extradition proceedings are treated under EXTRADITION.

ALTERATION OF INSTRUMENTS.

This topic deals with the acts done upon instruments in writing, by a party or parties thereto, or interested therein, by which the language or meaning is changed, and the materiality and effect of such alterations in general. Questions as to the alteration of wills made by the testator will be found under WILLS. The rights of bona fide purchasers of altered negotiable paper are considered under BILLS AND NOTES. The alteration of records will be found under RECORDS, and questions as to forgery, under FORGERY. All questions relating to altered documents as evidence are considered under EVIDENCE.

AMBASSADORS AND CONSULS.

The appointment, qualification, recognition, tenure, and recall of diplomatic and consular officers and agents are matters that are considered under this topic, together with their rights, privileges, powers, duties, and liabilities. The negotiation and ratification of treaties will be found under TREATIES.

AMICUS CURIÆ.

This term means "a friend of the court," and included in the topic are all questions relating to persons, whether attorneys or laymen, who interpose in a judicial proceeding to assist the court by giving information, or otherwise, or who conduct an investigation or other proceeding on request or appointment therefor by the court, together with their rights, powers, duties, and liabilities. The appointment of attorneys by the court as counsel is excluded, and will be found under ATTORNEY AND CLIENT.

ANIMALS.

This topic has to do with animals as the subjects of property or of legal protection or regulation, other than game and fish; the nature and incidents of rights of property in animals, and liabilities for injuries by them; regulations for their protection from disease and ill treatment; and regulations relating to estrays. It also includes contracts for feeding, care, and use or hire of animals, and the offense of cruelty to animals. The rights of taking and protection of game are under GAME. Conveyances and contracts relating to animals will be found under such topics as SALES, CHATTEL MORTGAGES, BAILMENT, LIVERY STABLE KEEPERS, CARRIERS, INSURANCE. Matters relating to fence laws will be found under FENCES. Liabilities for injuries to animals are considered under NEGLIGENCE, RAILROADS, HIGHWAYS, while malicious injury as an offense is treated under MALICIOUS MISCHIEF. Questions relating to bounties given for destroying wild animals are considered under BOUNTIES.

ANNUITIES.

An annuity is a sum of money stipulated to be paid yearly or at other fixed intervals, perpetually or during life or a term of years, not reserved out of or charged on realty. The topic includes questions of organization, franchises, and powers of companies for granting such annuities, rights and liabilities in respect thereof, and remedies relating thereto. Rent charges and ground rents will be found under the topics ESTATES, GROUND RENTS, and bequests of annuities are considered under WILLS. The rights of personal representatives or heirs of deceased annuitants will be considered under DESCENT AND DISTRIBUTION, EXECUTORS AND ADMINISTRATORS.

APPEAL AND ERROR.

This topic includes the review by superior tribunals of judicial action of inferior tribunals in general, and, more particularly, such review of decisions of courts of record in civil actions, by removal of

the cause to the higher court by appeal or writ of error, or by hearing on a case made and reported or certified by the lower court, or of exceptions taken in the lower court. The topic also treats of the nature and scope of the remedy, and of appellate jurisdiction in general; proceedings in the trial court to make objections to its action available on appeal, writ of error, etc.; proceedings to take and perfect appeals, sue out writs of error, etc., and effect thereof, and of supersedeas or stay pending appeal or error. Questions concerning the removal of the cause, or the record thereof, to a higher court; the hearing and determination of appeals, writs of error, exceptions, etc., effect of decisions thereon, and proceedings on such decisions; and liabilities on and enforcement of securities given to perfect appeal or obtain supersedeas or stay—are also considered in this topic. The making and filing of bills of exceptions will be found under EXCEPTIONS, BILL OF. The application to a trial court for new trial is under NEW TRIAL, and opening and vacating judgments and corrections of errors in judgments, on motion, writ of error coram nobis, or other proceedings in the court in which they were rendered, are under JUDGMENT. The review of judgments not subjects of appeal or writ of error, or for causes arising subsequently to the decision, or otherwise not ground of appeal, are considered under the topics CERTIORARI, REVIEW, AUDITA QUERELA. The review of decisions in actions for particular forms of relief will be found under the topics treating of such relief, as EJECTMENT, REPLEVIN, PARTITION, DIVORCE. The review of civil proceedings other than actions will be found under CERTIORARI, HABEAS CORPUS, MANDAMUS. Rehearing and bills of review in suits in equity are considered under the topic EQUITY, while appeals in admiralty are under ADMIRALTY. Appeals in proceedings under insolvent or bankrupt acts will be found under INSOLVENCY, BANKRUPTCY, and those in criminal prosecutions are included in CRIMINAL LAW. All questions peculiar to appeals from decisions of justices of the peace will be considered under JUSTICES OF THE PEACE. The appellate jurisdiction of particular courts and proceedings for removing, reporting, and certifying causes or questions from and to particular courts are discussed under COURTS.

APPEARANCE.

This topic includes acts or proceedings by which parties to civil actions in general place themselves before the court, personally or by representation. It also includes the consideration of the nature, requisites, and validity of entry or notice of appearance, and filing and service thereof, and withdrawal of or setting aside appearance; what constitutes general or special appearance, and operation and effect thereof as a submission to the jurisdiction, and waiver of objections thereto, or of objections to defects and irregularities in

process, or service thereof, and effect of failure to appear. The appearance by particular classes of persons will be found under topics specifically dealing with these persons, as INFANTS, CORPORATIONS. The authority of an attorney to appear is considered under ATTORNEY AND CLIENT. Judgment by default on failure to appear, and opening default, are included under the topic JUDGMENT. The intervention in actions by persons not parties to the action is treated under the topic PARTIES. Appearance in particular classes of proceedings will be considered under the topics dealing particularly with those proceedings, such as ATTACHMENT, GARNISHMENT. Questions as to appearance in proceedings before justices of the peace will be found under JUSTICES OF THE PEACE.

APPRENTICES.

An apprentice is a person bound in due form of law to a master for the purpose of learning an art, trade, or business. The topic takes into consideration the relation of apprenticeship, rights, powers, duties, and liabilities incident to such relation, and legal proceedings relating thereto. Matters applicable to the relation of master and servant in general are considered under MASTER AND SERVANT.

ARBITRATION AND AWARD.

The submission of controversies by agreement of the parties thereto, to persons chosen by themselves, for determination; the rights, powers, duties, and proceedings of the arbitrators so chosen; the requisites, validity, operation, and effect of such submission and award thereon; pleading arbitration and award as a defense, and enforcing or setting aside such award—are all included in this topic. Stipulations in contracts for determination by third persons of questions as to performance, breach, etc., will be found under the specific heads dealing with such contracts, as CONTRACTS, PARTNERSHIP, INSURANCE, LANDLORD AND TENANT. The submission of controversies to courts on agreements as to facts will be found under SUBMISSION OF CONTROVERSY, and reference of issues in actions under provisions of statutes or rules or orders of courts will be found under REFERENCE.

ARMY AND NAVY.

Questions concerning land and naval forces of the general government, militia called into its service, and volunteers, as well as the regular army and navy, constitutional and statutory provisions relating thereto, are considered in this topic, together with the questions relating to organization and discipline of the army and navy; appointment, discharge, resignation, and dismissal of officers, their

rank, rights, powers, duties, and liabilities; enlistment, conscription, and discharge of soldiers, sailors, and marines, their pay and their rights. The duties and liabilities of soldiers, sailors, and marines, questions concerning aid or relief to themselves or their families, the relation of the military forces to the civil authorities in general, and offenses against the military law or regulations governing the service, and courts of inquiry, courts-martial, and other courts administering such laws or regulations, are also included in this topic. Questions concerning militia not called into the service of the general government are considered under MILITIA. Matters relating to military bounties and pensions will be found under BOUNTIES, PENSIONS, and the employment and operations of the army and navy in war, and their subjection to martial law, are found under WAR. Decisions relating to preference of veterans in appointment to, or removal from, civil offices, appear under OFFICERS.

ARREST.

This topic deals with taking and keeping persons in legal custody to answer demands in civil actions or charges of crime, or to prevent commission of crime. It also includes the nature and scope of the remedy in both civil and criminal cases in general, and considers in what cases, and to and against whom, it is allowed. The privilege from arrest, grounds of arrest, and jurisdiction over and proceedings to obtain arrest; issuance, requisites, and validity of writs, warrants, or orders of arrest in civil actions, and amendment thereof—are also considered in this topic, as is also the authority to arrest, making of arrests, and service of writs, warrants, etc.; the quashing, vacating, or setting aside of process or orders for arrest; the discharge from custody of poor debtors, and other relief against arrest, and the return of process for arrest; liabilities on, and enforcement of, securities given to obtain arrests; and also the liabilities of persons other than officers for wrongfully procuring or making arrests. Arrest, as a means of commencing civil actions, will be found under PROCESS. Liability to arrest of particular classes of persons is treated under the topics relating to such classes of persons, as INFANTS. Writs of ne exeat are found under NE EXEAT, and warrants for arrest in criminal prosecutions are included in CRIMINAL LAW. Arrests in civil actions before justices of the peace will be found under JUSTICES OF THE PEACE, and admitting to bail, and rights and liabilities of bail, are dealt with under BAIL. The review of decisions in civil actions granting or vacating writs or orders for arrest, or discharging from arrest, will be found under APPEAL AND ERROR. Liabilities for illegal arrests are considered under FALSE IMPRISONMENT, and duties and liabilities of officers in respect of arrests, care and custody of prisoners, escapes, etc., will be found under topics dealing with the duties and liabilities of such officers, as CLERKS OF COURT,

SHERIFFS AND CONSTABLES. The escape of prisoners from prison will be found under PRISONS, and offenses committed in making or resisting arrest or delivering a prisoner from custody are considered under ASSAULT, HOMICIDE, OBSTRUCTING JUSTICE, ESCAPE, RESCUE. The arrest of vessels will be found under ADMIRALTY.

ARSON.

This offense consists in maliciously burning or setting fire to, or attempting to burn, buildings or other structures and property therein. Included in the topic are the nature and elements of the crimes of arson, house burning, etc., and all degrees thereof, and prosecution of such acts as public offenses. The liabilities for injuries from fire caused by negligence will be found under NEGLIGENCE, and the offenses of burning or setting fire to woods, prairies, fields, crops, etc., and refusing to aid in and obstructing the extinguishment of fires, are included under FIRES.

ASSAULT AND BATTERY.

This offense includes acts of violence towards the person of another, either with or without actually touching or striking, not constituting an element in, or attempt to commit, any other specific injury or offense. Justification or excuse for such acts and circumstances of aggravation, and liabilities and remedies therefor, are also included in this topic. Assaults in connection with unlawful arrest will be found under FALSE IMPRISONMENT, and assaults committed in resisting an officer or obstructing process go to OBSTRUCTING JUSTICE. If an assault is committed with intent or in attempting to perpetrate some other offense, it will be found under the topic dealing specially with that offense, such as HOMICIDE, ROBBERY. Conviction of assault in prosecutions for other offenses will be found under INDICTMENT AND INFORMATION. Assault by a parent in chastisement of child will be found under PARENT AND CHILD.

ASSIGNMENTS.

An assignment is a transfer of title to property, or estates or interests therein, or of other valuable rights in general, and more particularly transfers of debts or other rights in action. Included, also, in the topic are the nature, requisites, validity, extent, operation, and effect of such transfers, evidence relating thereto, instruments in writing by which such transfers are made, and delivery, acceptance, recording, or registration, and construction thereof. The rights, duties, and liabilities of the parties between themselves and as to others are also included in the topic. Transfers by or to particular classes of persons will be found under the topics which have

to do particularly with the rights and liabilities of such persons, as INFANTS, INSANE PERSONS; and transfers of particular kinds of property, interests, rights, contracts, and written instruments will be found under the topics dealing particularly with such property or contracts, such as PUBLIC LANDS, GOOD WILL, TRADE-MARKS AND TRADE-NAMES, PATENTS, LANDLORD AND TENANT, DEEDS, BILLS AND NOTES, JUDGMENT. Questions relating to fraudulent transfers, so far as the same are of interest to creditors or subsequent purchasers, will be considered under FRAUDULENT CONVEYANCES. Decisions concerning general assignments for the benefit of creditors are under ASSIGNMENTS FOR BENEFIT OF CREDITORS, and assignments in violation of or pursuant to insolvent or bankrupt laws will be found under INSOLVENCY, BANKRUPTCY. An assignment by an imprisoned debtor to obtain his discharge will be found under ARREST, EXECUTION, and intervention or substitution of assignees in pending actions goes to PARTIES.

ASSIGNMENTS FOR BENEFIT OF CREDITORS.

This topic deals with the voluntary transfers of property in trust to pay or to apply to debts of an assignor, whether made expressly for such purpose or construed in law as operative for the benefit of creditors. It also includes the nature, requisites, incidents, validity, operation, and effect of such transfers, and the evidence relating thereto. Questions concerning instruments in writing by which such transfers are made, delivery, acceptance, recording, or registration and construction thereof, are also considered under this topic, as well as effect of reservations and of preference of creditors; rights, liabilities, and remedies of such assignors, their assignees and creditors, and legal proceedings relating thereto. Transfers which are fraudulent as to creditors or subsequent purchasers are excluded, and will be found under FRAUDULENT CONVEYANCES. Assignments in violation of, or pursuant to, insolvent or bankrupt laws will be found under INSOLVENCY, BANKRUPTCY. Assignments by imprisoned debtors to obtain their discharge are included in the topics ARREST, EXECUTION. The power of corporation officers to make assignments for the benefit of creditors is treated under CORPORATIONS. Agreements by creditors, acting as a body, to accept part of the debts due for and in satisfaction of the whole, will be found under COMPOSITIONS WITH CREDITORS.

ASSISTANCE, WRIT OF.

A writ of assistance is issued for the purpose of putting in possession of real property persons adjudged to be entitled thereto, or purchasers thereof under orders or decrees in equitable actions. The topic also deals with the cases in which such writ is issued, and

the persons to whom issued or against whom issued, and the property which gives rise to the issuance of the writ, as well as its issuance, requisites, and validity, and its execution and effect. Writs of possession and other remedies for enforcing judgment in actions to recover possession of specific real property are excluded, and will be found under topics dealing specially with such remedies, as EJECTMENT. Writs of assistance incident to particular classes of proceedings or to other remedies will be found under the topics which deal specially with such proceedings or remedies, as MORTGAGES, RECEIVERS. The duties and liabilities of officers in respect to issuance and execution of writs of assistance are also excluded, and will be found under SHERIFFS AND CONSTABLES and other specific heads.

ASSOCIATIONS.

The nature, formation, and dissolution of unincorporated associations in general are included in this topic, together with their rights, powers, duties, and liabilities, and those of their members and officers as among themselves and as to others, incident to the existence of the association and legal proceedings for enforcement thereof. Associations formed for a particular purpose or business will be dealt with under specific topics, treating particularly of such purpose or business, and unincorporated companies having a capital stock divided into transferable shares will be found under the topic JOINT-STOCK COMPANIES.

ASSUMPSIT, ACTION OF.

Under this topic will be found matters relating to actions of assumpsit as distinguished from other forms of action, the nature and scope of the remedy in general, the grounds of such actions and defenses thereto, by and against whom they may maintain proceedings therein, and review of proceedings. It also includes costs in such actions. Implied and constructive contracts and quasi contracts on which the action may be maintained are dealt with under specific heads, such as CONTRACTS, WORK AND LABOR, SALES, MONEY LENT, CONTRIBUTION. Distinctions between forms of actions are treated under ACTION, and election between remedies will be found under ELECTION OF REMEDIES.

ASYLUMS.

This topic as treated in the American Digest Scheme is limited to institutions for protection or relief of afflicted or unfortunate persons, whether founded or maintained by private means or in part or wholly by government. Their establishment, regulation, and management are also considered, together with the rights, powers, duties, and liabilities of managers and other officers thereof. The re-

lief of destitute persons in general will be found under PAUPERS. The powers of incorporated cities, towns, etc., in respect to establishment and maintenance of asylums, will be treated under MUNICIPAL CORPORATIONS. Asylums regarded as charitable institutions will be found under CHARITIES.

ATTACHMENT.

Included in this topic are the taking and keeping in legal custody of property of defendants in civil actions as security for payment of judgments that may be recovered against them therein; in what cases and to whom and against whom it is allowed, and property subject thereto. The grounds of attachment and jurisdiction over and proceedings to obtain attachment, issuance, requisites, and validity of writs, warrants, etc., of attachment, and the amendment thereof, levy or service, and proceedings incident thereto, are also included in the topic. In addition, the lien of attachment, quashing, vacating, or setting aside writs of attachment, dissolution thereof, or discharge of property from levy and giving security, and abandonment of attachment or levy, are also treated under this topic. It also includes the claims of third persons to property levied on, and intervention by them, and trial of right of property, return of warrants and rights and liabilities on, and enforcement of, securities given to obtain, dissolve, or discharge attachments, and liabilities of persons other than officers wrongfully procuring the issuance or levy of attachments. The sequestration of specific property to preserve it pending litigation is treated under SEQUESTRATION. Attachment as a means of commencing actions will be found under PROCESS, and when it is issued against particular kinds of property, or to enforce particular classes of demands or liens, it will be found under topics dealing specially with the kind of property, or the demand or lien which it is sought to enforce, such as PARTNERSHIP, LANDLORD AND TENANT, MARITIME LIENS. If the property sought to be attached is in the possession of third persons, all questions concerning such attachment will be found under GARNISHMENT. Attachment of persons is considered under CONTEMPT, and attachments issued by justices of the peace will be found under JUSTICES OF THE PEACE. Questions relating to the exemption of property from attachment, and protection of rights of exemption, are considered under EXEMPTIONS, HOMESTEAD. Questions relating to the judgment and execution in attachment suits are considered under JUDGMENT, EXECUTION. The review of decisions granting or vacating writs of attachment or discharging property therefrom will be found under APPEAL AND ERROR. Suits in aid of attachment go to CREDITORS' SUIT, and levy of attachment on property conveyed in fraud of creditors will be found under FRAUDULENT CONVEYANCES. The duties and liabilities of officers in respect to issuance, levy, and return of

writs of attachment will be found under the topics dealing specially with those officers, such as CLERKS OF COURTS, SHERIFFS AND CONSTABLES.

ATTORNEY AND CLIENT.

This topic deals with the practice of law in any rank or branch of the profession, the admission to practice, privileges, disabilities, and liabilities incident to the office of attorney, licenses and license fees, and privilege and occupation taxes. The topic also includes the regulation of professional conduct and the relation between attorney and client, and their mutual rights, duties, and liabilities. Admissions and declarations by attorneys are considered under EVIDENCE, and the privilege of professional communications go to WITNESSES. The representation of particular classes of persons will be found under the topics dealing specially with such classes, as INFANTS, INSANE PERSONS, HUSBAND AND WIFE, CORPORATIONS.

ATTORNEY GENERAL.

Questions relating to the appointment, qualifications, and tenure of office of the chief law officer in the government of the United States and of each state are included in this topic, together with the rights, powers, duties, and liabilities of the Attorney General, his assistants and deputies. Particular proceedings by or in the name of the Attorney General are excluded, and will be found under such specific heads as CORPORATIONS, QUO WARRANTO, ESCHEAT.

AUCTIONS AND AUCTIONEERS.

This topic includes the regulation and conduct of sales by auction, and rights, duties, and liabilities of auctioneers, and of sellers and buyers at auctions, in general. The requirements of the statute of frauds as to such sales will be found under FRAUDS, STATUTE OF.

AUDITA QUERELA.

Decisions relating to the relief of judgment debtors against judgments and executions on grounds of defense or discharge subsequently arising, by independent proceedings therefor, and the cases in which it is allowed, are considered under this topic, together with the grounds for, and the jurisdiction to grant, and proceedings to obtain, such writs. Questions relating to the issuance of such writs, their requisites, and the proceedings thereon, hearing and determination thereof, effect of decisions thereon, review of the proceedings, and costs on such proceedings, are also considered in such topic. The relief against judgments and executions by motions and other

proceedings in the same action are excluded, and will be found under JUDGMENT, EXECUTION. Relief on equitable grounds will also be found under JUDGMENT, and questions as to supersedeas and stay of execution will be considered under SUPERSEDEAS, EXECUTION.

BAIL.

The release of persons under arrest in civil actions or on charges of crime from such custody on giving security to appear and answer, together with their right to be admitted to bail, authority to take bail, and proceedings in giving and taking bail, and requisites and sufficiency of recognizances, bonds, or undertakings of bail, or deposits of money in lieu of bail, are included in this topic, together with the rights and liabilities of bail, their discharge or exoneration, the breach and forfeiture of bail bonds, and proceedings to enforce liabilities of bail. The liability of officers as bail will be found under SHERIFFS AND CONSTABLES, and review of decisions relating to bail appear under APPEAL AND ERROR, CRIMINAL LAW, CERTIORARI, HABEAS CORPUS.

BAILMENT.

A bailment is a contract for the transfer of possession of personal property without transfer of ownership in general, and the topic includes the rights, duties, and liabilities of the parties and remedies relating thereto. Matters relating to conditional sales will be found under SALES. If the question is one concerning liens without the possession of the property involved, it will be considered under LIENS. Particular species of bailment, and bailments incident to particular occupations, will be found under such specific heads as PLEDGES, DEPOSITARIES, BANKS AND BANKING, WAREHOUSEMEN, INNKEEPERS, CARRIERS, FACTORS. The offense of embezzlement or larceny by bailees will be treated under EMBEZZLEMENT, LARCENY.

BANKRUPTCY.

This topic includes the administration of estates of bankrupts under general bankrupt laws for the purpose of distribution of the assets among creditors, and discharge of the bankrupts from liability for their debts. Questions as to constitutional and statutory provisions relating to the administration of the assets under such general bankrupt laws are also included, together with the nature, grounds, limits, and subjects of jurisdiction in bankruptcy cases and procedure. Questions relating to insolvency under local insolvency laws are considered under INSOLVENCY, and organization of courts having jurisdiction in bankruptcy will be found under COURTS.

BANKS AND BANKING.

The organization and conduct of the business of dealing in money by receiving and repaying deposits and collections, making loans, discounts, and other investments, issuing bills, notes, etc., for the purpose of particular transactions or for general circulation, together with the organization, powers, and liabilities of bank corporations, and rights and liabilities of their members and officers, are all included in this topic. Matters relating to co-operative banking associations formed for mutual benefit only will be found under BUILDING AND LOAN ASSOCIATIONS. Questions as to bank checks in hands of third persons are considered under BILLS AND NOTES, while the counterfeiting of bank notes is treated under COUNTERFEITING. All questions relating to the taxation of capital stock or property of banks go to TAXATION.

BASTARDS.

This topic has to do with the rights and disabilities in general of persons of illegitimate birth, custody, support, protection, and legitimation of illegitimate children, and the legal proceedings for determination of questions of legitimacy, ascertainment of paternity, and enforcement of liabilities for support. Testamentary provisions in relation to such illegitimate children will be found under WILLS, while provisions of poor laws are under PAUPERS.

BENEFICIAL ASSOCIATIONS.

A beneficial association is a body incorporated or unincorporated, formed for the purpose of mutual pecuniary aid to members, or to persons dependent on members, by means of contributions or assessments. Matters relating to such societies formed for the purpose of mutual insurance will be found under INSURANCE, and those relating to making of loans to members to aid them in erecting dwellings or other objects will be found under BUILDING AND LOAN ASSOCIATIONS.

BIGAMY.

This offense is committed by the marriage of a person who has a husband or wife living to another person, and the topic includes the nature and extent of criminal responsibility for such offense, and grounds of defense, and prosecution of such marriages as public offenses. The validity of marriages in general will be found under MARRIAGE, and offenses of adultery or unlawful cohabitation involved in bigamy appear under ADULTERY, LEWDNESS.

BILLS AND NOTES.

This topic includes instruments in writing whereby the maker requests, orders, or promises payment of a certain sum of money absolutely, whether negotiable or not; their nature, requisites, and validity, incidents, construction, operation, and effect; acceptance of such requests or orders, indorsement and other modes of transfer of such instruments, and rights of purchasers or assignees. Questions as to the demand of acceptance or payment, protest for nonacceptance or nonpayment, and notice thereof, and payment or renewal, and actions on such bills and notes, are also considered in this topic. Promises to pay in service or goods or upon condition will be found under CONTRACTS. Questions relating to the making, acceptance, or indorsement of bills or notes by particular classes of persons will be considered under the topics dealing specially with such persons, as INFANTS, INSANE PERSONS, PARTNERSHIP, ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS, MUNICIPAL CORPORATIONS, COUNTIES, TOWNS, SCHOOLS AND SCHOOL DISTRICTS. Questions relating to the making, acceptance, or indorsement of bills and notes by persons in representative or fiduciary relations will be considered under topics which deal specially with these classes, such as GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, TRUSTS. If the bill or note is incident to another contract or transaction, questions relating to it will be considered under the topic treating of the specific transaction of which it is an incident, as SALES, VENDOR AND PURCHASER, INSURANCE. Particular grounds of illegality will be found under SUNDAY, USURY, GAMING. Sufficiency in general of signatures will be found under SIGNATURES. The establishment and recovery on lost bills and notes is treated under LOST INSTRUMENTS, while the effect of alterations will be found under ALTERATION OF INSTRUMENTS. The rights and liabilities of bankers and depositors in respect of bank checks is treated under BANKS AND BANKING, and the payment by bills, notes, or checks is found under PAYMENT. Guaranty or security for payment of bills and notes will be found under GUARANTY, PRINCIPAL AND SURETY, MORTGAGES, CHATTEL MORTGAGES, PLEDGES; and subrogation to rights of payees or indorsees is treated under SUBROGATION.

BLASPHEMY.

The use of blasphemous or irreverent language, spoken or written, regarding God or sacred things, is included in this topic, together with the publication of blasphemous libels, cursing, and profane swearing. The nature and elements of the crime of blasphemy, blasphemous libel and profane swearing, and prosecution of such acts

as public offenses, are also included. Cursing and abusive language as affecting individuals only will be found under DISORDERLY CONDUCT.

BONDS.

A bond is an instrument in writing under seal whereby the maker binds himself to pay a certain sum of money absolutely or conditionally. The topic further includes the nature, requisites, validity, incidents, construction, operation, and effect in general of bonds, their negotiability, transfer, and rights of purchasers, and actions on bonds. Promissory notes under seal are included under BILLS AND NOTES. Bonds by particular classes of persons will be found under the specific topics dealing with those persons, such as INFANTS, INSANE PERSONS, CORPORATIONS, UNITED STATES, STATES, MUNICIPAL CORPORATIONS, COUNTIES, SCHOOLS AND SCHOOL DISTRICTS. Bonds which are incident to other contracts or transactions will be found under the topic dealing particularly with such contracts or transactions, as VENDOR AND PURCHASER, MORTGAGES, SHIPPING, INDEMNITY. Bonds for the performance of particular classes of fiduciary or official duties are considered under the topics GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, TRUSTS, OFFICERS. Bonds required or incident to particular remedies or legal proceedings will be found under ARREST, BAIL, ATTACHMENT, GARNISHMENT, INJUNCTION, REPLEVIN, SHERIFFS AND CONSTABLES, APPEAL AND ERROR, COSTS. Decisions which deal with distinct rights and liabilities of sureties will be found under PRINCIPAL AND SURETY, and subrogation to the rights of obligees under SUBROGATION.

BOUNDARIES.

This topic treats of lines dividing contiguous lands as described in conveyances or surveys, or indicated by marks of separation, natural or artificial, and the ascertainment and establishment of such lines, and agreements between adjoining proprietors, and legal proceedings relating thereto. Boundaries of states and their political subdivisions are excluded, and are found under STATES, COUNTIES, TOWNS, MUNICIPAL CORPORATIONS, SCHOOLS AND SCHOOL DISTRICTS. The effect of adverse possession will be found under ADVERSE POSSESSION. The mutual rights, duties, and liabilities of proprietors of adjoining lands in general are considered under ADJOINING LANDOWNERS, and their rights as to fences under FENCES, and party walls under PARTY WALLS. The rights and liabilities of owners of lands bounded by highways will be found under HIGHWAYS, and those bounded by bodies or streams of water will be found under NAVIGABLE WATERS, WATERS AND WATER COURSES.

BOUNTIES.

A bounty is a pecuniary premium offered by government to all persons enlisting in the public service, or engaging in particular industries, or performing specified services for the public benefit. The topic includes the acceptance of such offers, and performance of conditions thereof or services required, and proceedings to obtain and payment of such bounties. Rewards offered for performance of single and special services go to REWARDS, and pensions for past services will be found under PENSIONS. Questions relating to bounty lands will be found under PUBLIC LANDS.

BREACH OF MARRIAGE PROMISE.

Included in this topic are mutual agreements to marry, their nature, requisites, and validity, and breaches of such agreements and damages therefor. The capacity of parties to marry will be found under MARRIAGE.

BREACH OF THE PEACE.

A breach of the peace, within the scope of this topic, is a violent disturbance of public peace or order, actual, constructive, or apprehended, which does not constitute any other distinct offense. The topic also includes the prevention of such acts by requiring security to keep the peace, and their prosecution as public offenses. Misconduct affecting the safety or comfort of individuals, not amounting to a violation of public peace or order, will be found under DISORDERLY CONDUCT; and disturbances of public meetings is treated under DISTURBANCE OF PUBLIC ASSEMBLAGE. The carrying of weapons, pointing or shooting firearms, is included under the topic WEAPONS. Questions relating to other distinct offenses involving breaches of the peace will be found under topics particularly dealing with such offenses, as ASSAULT AND BATTERY, DUELING, PRIZE FIGHTING, AFFRAY, FORCIBLE ENTRY AND DETAINER, UNLAWFUL ASSEMBLY, RIOT.

BRIBERY.

The offense of bribery, within the scope of this topic, is committed by offering, promising, giving, accepting, or agreeing to accept money, property, or other consideration, to influence official action of public officers. The prosecution of such acts as public offenses falls within the scope of this topic. Bribery of voters or officers of elections will be found under ELECTIONS; the offense of extortion under color of office is dealt with under EXTORTION; and impeachment and removal from office for bribery will be found under the topic which deals particularly with the officers concerned in the bribery.

BRIDGES.

This topic includes the construction, maintenance, and regulation and use of bridges for the passage of the public, whether erected under franchises granted therefor, or directly by the government, and whether passage be subject to the payment of tolls or free. It also includes the organization, franchises, and powers of bridge companies, the rights, duties, and liabilities of such companies or of municipalities with respect to the management and operation of their business. Questions relating to the obstruction of navigation by bridges are considered under NAVIGABLE WATERS. Powers of municipalities to aid bridge companies and liabilities incurred by them for that purpose will be found under MUNICIPAL CORPORATIONS, COUNTIES, TOWNS. The exercise of the power of eminent domain by a bridge company is under EMINENT DOMAIN, and the taxation of bridges will be found under TAXATION.

BROKERS.

The regulation and conduct of the business of negotiating contracts and bargains on behalf of others, without possession or control by the broker as such of any property involved, together with the rights, powers, and duties and liabilities of such brokers and their principals or employers, will be found under this topic. Agency in general and on particular occasions only, and not in the course of the agent's ordinary business, will be found under PRINCIPAL AND AGENT. The agency of persons having possession or control of the goods for purposes of sale will be found under FACTORS. Rights and liabilities of brokers as members of exchanges are under EXCHANGES.

BUILDING AND LOAN ASSOCIATIONS.

This topic deals with incorporated or unincorporated bodies formed for the purpose of mutual aid to members by means of contributions to loans for the erection of dwellings, or other objects. Matters relating to corporations, or to unincorporated associations in general, will be found under CORPORATIONS, ASSOCIATIONS.

BURGLARY.

This offense, within the scope of this topic, consists in breaking or entering buildings or other structures, or attempting to do so, with intent to commit a crime therein, and the prosecution of such acts as public offenses is also included in the topic. Entering with intent to commit another offense will be found under TRESPASS, FORCIBLE ENTRY AND DETAINER.

CANALS.

Under this topic are included the construction, maintenance, regulation, and use of artificial water courses for the purpose of navigation, whether constructed under franchises granted therefor, or directly by the government, and whether the use be subject to the payment of tolls or free. The topic also includes the organization, franchises, and powers of canal companies, the rights, duties, and liabilities of such companies or state or municipal government with respect to the management or operation of canals by them. The powers of municipalities to aid canal companies, and liabilities incurred by them for that purpose, are found under MUNICIPAL CORPORATIONS, COUNTIES, TOWNS. The exercise of the power of eminent domain by canal companies is under EMINENT DOMAIN, and the transportation of passengers and goods will be found under CARRIERS, SHIPPING. Canals constructed for or used for drainage will be found under DRAINS, and those for irrigation under WATERS AND WATER COURSES. The taxation of canals is under TAXATION.

CANCELLATION OF INSTRUMENTS.

Actions to compel annulment or abrogation of conveyances and contracts, or other instruments in writing, and the cancellation or surrender of such instruments, are included in this topic, together with review of such actions and costs therein. The want of consideration, mistake, fraud, etc., as grounds of invalidity of conveyances or contracts, or as defenses to actions thereon, will be found under the topics dealing with particular classes of conveyances, as DEEDS, CONTRACTS. Actions for reformation of instruments in writing go to REFORMATION OF INSTRUMENTS, while those for removal of clouds on titles are found under QUIETING TITLE. Actions for setting aside conveyances, fraudulent as to creditors or subsequent purchasers, are treated under FRAUDULENT CONVEYANCES.

CARRIERS.

This topic deals with the regulation and conduct of the business of transportation of goods and passengers by common or private carriers, and matters incidental thereto, such as the operation of cars, freight lines, collection and transportation of money by express companies, and rights, duties, and liabilities of those engaged in any such business, as to the public and as to individuals, with respect to the persons and property carried. Questions relating to the regulation of commerce go to COMMERCE, and matters peculiar to transportation of passengers or goods by water are treated under SHIPPING, FERRIES. Matters which relate to particular classes of carriers in other relations or capacities will be found under topics dealing particularly with such relations or capacities, as CORPORATIONS, MASTER

AND SERVANT, RAILROADS, STREET RAILROADS, SHIPPING, FERRIES. Liabilities of carriers for injuries to licensees and trespassers on their property are found under RAILROADS, SHIPPING, and other specific heads.

CEMETERIES.

Included in this topic are questions relating to lands used for burial of the dead, whether in churchyards or other places, and regulations relating thereto, together with questions of organization, franchises, and powers of companies formed to provide and maintain such places, and rights, duties, and liabilities of such companies, purchasers of lots or other rights or privileges in respect of property. The personal rights, duties, and liabilities in respect of burial will be found under DEAD BODIES. Liabilities of decedents' estates for burial are under EXECUTORS AND ADMINISTRATORS. All questions relating to sanitary regulations are found under HEALTH.

CENSUS.

Under this topic will be found decisions relating to the enumeration of the inhabitants of the county or state, and collection of statistics of their condition, property, commerce, etc., by public authority. Apportionment among the states according to population, of representatives in Congress, goes to UNITED STATES, and apportionment of direct taxes levied by the United States will be found under INTERNAL REVENUE.

CERTIORARI.

This topic deals with the review by superior courts of judicial actions of inferior tribunals or officers, in statutory or other proceedings not subjects of appeal or writ of error, by removal and examination of records of such proceedings for correction of errors and irregularities therein, whether by writ of certiorari, or by the statutory writ of review, together with review of the proceedings and costs therein. The review by certiorari of proceedings relating to particular subjects will be found under topics dealing especially with those subjects, as EMINENT DOMAIN, TAXATION, HIGHWAYS. The review of proceedings in criminal prosecutions will be found under CRIMINAL LAW, and review of proceedings before justices of the peace go to JUSICES OF THE PEACE.

CHAMPERTY AND MAINTENANCE.

This topic deals with the officious intermeddling in suits between others by assisting either party to carry it on with or without an agreement to divide the subject of litigation in the event of success. It also includes agreements for such division, or for the purchase of property held adversely, conveyances of such property, and agree-

ments for the purchase of pretended titles or rights of action, for the purpose of suing thereon, and criminal responsibility for unlawful maintenance of suits. Contracts for compensation of attorneys by contingent fees will be found under ATTORNEY AND CLIENT.

CHARITIES.

Under this topic are placed questions relating to gifts, devises, bequests, and trusts for purposes regarded as charitable uses, their validity, operation, and effect in general, and application to them of doctrine of cy pres. This topic also includes the organization, franchises, and powers of charitable societies, the rights, powers, and liabilities of such societies, or of trustees of charities, or of donors and of beneficiaries, the judicial control and protection of charitable societies, and remedies relating thereto. The restrictions on testamentary dispositions to charitable uses will be found under WILLS, and those on perpetuities are under PERPETUITIES. The validity and construction of particular instruments are considered under the topics dealing especially with such instruments, as DEEDS, GIFTS, TRUSTS, WILLS. The taxation of property of charitable societies or property held for charitable purposes is included in the topic TAXATION.

CHATTEL MORTGAGES.

The topic of CHATTEL MORTGAGES includes transfers of personal property in general as security for payment of money or performance of contracts or other obligations, whether such transfer be made by conveyance, or on condition, or with a defeasance, or by deed of trust or bill of sale, or other conveyance absolute in form, without delivery of the property. The liens of such mortgages, and priorities; effect of transfers of debts secured, property mortgaged, or mortgages; and enforcement and redemption are also within the scope of the topic. Conditional sales will be treated under SALES, and pledges and collateral securities under PLEDGES. Mortgages by or to particular classes of persons will be found under the topics which treat particularly of such persons, as INFANTS, INSANE PERSONS, PARTNERSHIP, ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS. Mortgages executed by persons in a representative or fiduciary capacity will be found under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, TRUSTS. Mortgages of vessels, cargoes, and freight, are treated under the topic SHIPPING. If a mortgage is fraudulent as to creditors or subsequent purchasers, questions relating to it will be considered under FRAUDULENT CONVEYANCES. The rights of mortgagors and mortgagees as to fixtures are included under the topic FIXTURES.

CITIZENS.

This topic treats of the rights, privileges, and immunities of persons owing allegiance to the United States or any of the several states, as distinguished from mere residents or aliens. Particular, civil, or political rights of a citizen are considered under CIVIL RIGHTS, CONSTITUTIONAL LAW, ELECTIONS. The privileges and immunities of citizens of each state in other states are found under CONSTITUTIONAL LAW. Citizenship as ground of jurisdiction of particular courts is included under COURTS. The admission to citizenship of particular classes of persons is considered under the topics relating to those classes of persons, such as ALIENS, INDIANS, SLAVES. Forfeiture of citizenship on conviction of crime will be found under CONVICTS.

CIVIL RIGHTS.

The protection of general rights of a personal nature, independent of class distinctions or personal relations, will be found under this topic. Deprivation of life, liberty, or property without due process of law, and denial of equal protection of law, the subjection of person and property to police power, and other powers of the state, and the protection of vested rights and contract obligations, will be considered under CONSTITUTIONAL LAW. The guaranty of trial by jury is included under the topic JURY, and restrictions in procedure in criminal prosecutions will be found under CRIMINAL LAW. Conspiracies to oppress citizens in the exercise of their rights are considered under CONSPIRACY.

CLERKS OF COURTS.

This topic deals with officers of civil tribunals authorized to perform clerical functions with incidental judicial powers, whether designated as clerks, prothonotaries, or by other titles. Particular proceedings by or before clerks are excluded, and will be found under specific heads relating to such proceedings.

CLUBS.

This topic includes bodies formed by the incorporation or association of persons for social purposes, or for any common purpose other than pecuniary profit or benefit, and not of a specifically educational, charitable, or religious nature. Matters relating to corporations or unincorporated associations in general will be found under CORPORATIONS, ASSOCIATIONS.

COLLEGES AND UNIVERSITIES.

Included in this topic are bodies, incorporated or unincorporated, formed for the instruction of students in one or more courses of study more advanced than those pursued in the ordinary schools or acade-

mies. Matters relating to corporations or unincorporated associations in general will be found under CORPORATIONS, ASSOCIATIONS.

COLLISION.

Collision, as limited by the scope of the topic in the American Digest Scheme, includes only the striking together or other contact of vessels, causing injury to person or property, and the rules of navigation for preventing such collisions, the liabilities arising therefrom, and suits brought to enforce such liabilities. The jurisdiction of and procedure in admiralty in general will be found under the topic ADMIRALTY, and proceedings for limitation of liability of shipowners is included under SHIPPING.

COMMERCE.

The promotion and regulation of commerce in general, and more particularly the power to regulate commerce with foreign nations, among the several states, with the Indian tribes, and the internal commerce of the states, and means and methods of exercise of the power, are treated under this topic. Regulations of specific instrumentalities of commerce will be found under CARRIERS, RAILROADS, SHIPPING, WAREHOUSEMEN, BANKS AND BANKING, INSURANCE, and other specific heads. Regulations of intercourse with Indians is under the topic INDIANS. Contracts, combinations, and conspiracies in restraint of trade or commerce are included under CONTRACTS, MONOPOLIES, CONSPIRACIES.

COMMON LANDS.

This topic deals with lands held by numerous proprietors, or by bodies corporate or politic, for the general use of themselves or the public. Rights of common in lands of others will be found under EASEMENTS, and joint estates in land are included under JOINT TENANCY, TENANCY IN COMMON.

COMMON LAW.

The body of customary and statutory law recognized and adopted in the several states as the basis of jurisprudence not created by express enactment by the state Legislatures will be found included in this topic, together with presumptions as to its existence, and decisions relating to its sources, principles, and maxims. Statutes modifying the common law will be found under STATUTES. Distinctions as to jurisdiction of courts, remedies and procedure between the common-law and other systems of jurisprudence, are dealt with under such topics as ACTION, PLEADING, EQUITY, ADMIRALTY.

COMMON SCOLD.

This topic includes habitual scolding, railing, or brawling, disturbing the public, together with the nature and extent of the criminal responsibility therefor, and prosecution of such conduct as a public offense. Use of abusive or insulting language as affecting individuals will be found under DISORDERLY CONDUCT.

COMPOSITIONS WITH CREDITORS.

Agreements by creditors of the same debtor to accept part of the sums due them from him in satisfaction of the whole are treated under this topic. Compromises between a single creditor and his debtor go to COMPROMISE AND SETTLEMENT, and compositions in proceedings under insolvent or bankrupt laws will be found under INSOLVENCY, BANKRUPTCY.

COMPOUNDING FELONY.

This offense consists in promising, giving, accepting, or agreeing to accept money, property, or other consideration on an agreement not to prosecute a public offense. The topic also includes the nature and extent of criminal responsibility for the offense and its prosecution and punishment. The validity of agreements to compound offenses will be found under CONTRACTS, and obstructing criminal prosecutions goes to OBSTRUCTING JUSTICE.

COMPROMISE AND SETTLEMENT.

The adjustment of matters in dispute before or pending suit by mutual concessions and agreement, or of mutual accounts or debts by agreement as to the balance and discharge from liability thereon, are considered under this topic, together with the remedies of the parties. Liabilities implied by law from statements of accounts are included under ACCOUNT STATED. Agreements of creditors to accept from their common debtor part of the sums due them in satisfaction of the whole will be found under COMPOSITIONS WITH CREDITORS. Agreements founded on a new consideration for satisfaction of a debt or injury go to ACCORD AND SATISFACTION. The relinquishment of a right or claim by release thereof is considered under RELEASE. Compromise by persons in particular, representative, or fiduciary relations will be found under such topics as GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, ATTORNEY AND CLIENT, PRINCIPAL AND AGENT, TRUSTS.

CONFUSION OF GOODS.

This topic deals with the intermixture of goods of the same kind belonging to different owners. The addition of other materials is treated under ACCESSION.

CONSPIRACY.

Combinations of two or more persons to do an unlawful act, whether such act be the object of the combination or means of accomplishing that object, and whether it be injurious to private persons only or to the public, are treated under this topic. It also includes civil liability for injuries resulting from conspiracy, and prosecution of conspiracy as a public offense. Declarations and admissions of conspirators as evidence, and the testimony of conspirators, will be found under CRIMINAL LAW.

CONSTITUTIONAL LAW.

This topic deals with the organic and fundamental law regulating the structure and frame and methods of administration of government, and the relations between governments and those subject to them in general, and more particularly written instruments enacted as the supreme and paramount law. The distribution of powers and functions of government among different departments, officers, and agencies; police power inherent in government and its exercise in general; and protection of life, liberty, and other civil and political rights of persons, rights of property, and obligations of contracts by constitutional guaranties—also fall within the scope of the topic. The distribution of powers and the relations between the United States and the several states will be found under UNITED STATES, STATES; and the delegation of powers to municipal corporations is considered under MUNICIPAL CORPORATIONS. Restrictions on the exercise of particular powers and functions of government will be found under the specific topics dealing with such powers, such as EMINENT DOMAIN, TAXATION. The operation of statutes passed in pursuance of constitutional provisions relating to particular subjects will be found under the topics specifically treating of those subjects, such as CIVIL RIGHTS, MONOPOLIES, COMMERCE, INTOXICATING LIQUORS. Constitutional requirements as to enactment and form of statutes go to STATUTES. Constitutional guaranties and restrictions relating to judicial remedies and proceedings, civil or criminal, will be found under such special topics as HABEAS CORPUS, CRIMINAL LAW, ARREST, BAIL, SEARCHES AND SEIZURES, INDICTMENT AND INFORMATION, JURY, EVIDENCE, TRIAL, EXECUTION. Constitutional guaranties and protection of rights of citizenship are included under the topic CITIZENS; those relating to suffrage under the topic ELECTIONS.

CONTEMPT.

This topic treats of the disobedience to the process, order, or rules of courts and other acts and conduct in disregard of their authority or dignity, tending to impede or frustrate the administration of law. Contempt of authority of Congress will be found under UNIT-

ED STATES, and contempt of state Legislatures under STATES. Disobedience of particular writs, orders, or other mandates of courts will be found under WITNESSES, EXECUTION, INJUNCTION, MANDAMUS, and other specific heads. Summary jurisdiction of courts over attorneys is included under the topic ATTORNEY AND CLIENT.

CONTINUANCE.

Under this topic are grouped decisions relating to the adjournment or postponement of proceedings in civil actions in general to a subsequent day or term of the court, and the proceedings to procure such continuance. Review of decisions granting or refusing continuances appear under APPEAL AND ERROR. Adjournment or postponement of proceedings, other than actions, are under HABEAS CORPUS, and titles of other special proceedings. Continuances of criminal prosecutions are included under CRIMINAL LAW, and continuance of proceedings before justices of the peace are under JUSTICES OF THE PEACE.

CONTRACTS.

This topic deals with promises and agreements in general, and actions for breach. Obligations imposed by statutes go to specific topics, such as USURY, GAMING; and those created by operation of law will be found under such topics as WORK AND LABOR, USE AND OCCUPATION, MONEY LENT, MONEY PAID, MONEY RECEIVED, ACCOUNT STATED, and other titles of constructive contracts or quasi contracts. Contracts of record will be found under RECOGNIZANCES, JUDGMENT. Contracts by particular classes of persons will be found under the titles relating to the particular class concerned in the contract, such as INFANTS, INSANE PERSONS, PARTNERSHIP, ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS. Contracts by different governmental bodies will be found under UNITED STATES, STATES, TERRITORIES, MUNICIPAL CORPORATIONS, COUNTIES, TOWNS, SCHOOLS AND SCHOOL DISTRICTS. Contracts between persons in particular relations will be found under such topics as HUSBAND AND WIFE, PARENT AND CHILD, ATTORNEY AND CLIENT, PRINCIPAL AND AGENT. Those contracts incident to particular occupations or transactions will be found under such topics as INTOXICATING LIQUORS, INNKEEPERS, WAREHOUSEMEN, BANKS AND BANKING, INSURANCE, CARRIERS. If a contract relates to or affects a particular kind of property, it is digested under the topic which deals particularly with that kind of property, as PUBLIC LANDS, FENCES, PARTY WALLS, EASEMENTS, CROPS, FIXTURES, GOOD WILL, PATENTS. Particular grounds of illegality of contracts are considered under SUNDAY, USURY, CHAMPERTY AND MAINTENANCE, GAMING, LOTTERIES. The

requirements of the statute of frauds will be found under FRAUDS, STATUTE OF. The sufficiency in general of signatures to a contract is treated under SIGNATURES, and the sufficiency of seals under SEALS. The sufficiency of the acknowledgment of a contract in writing is treated under ACKNOWLEDGMENT. The establishing of lost instruments is considered under LOST INSTRUMENTS, and the effect of alterations of a contract is treated under ALTERATION OF INSTRUMENTS. Reformation of contracts will be found under REFORMATION OF INSTRUMENTS, and compelling cancellation or surrender of contracts goes to CANCELLATION OF INSTRUMENTS. Particular classes of written instruments containing contracts are considered under such specific heads as DEEDS, MORTGAGES, LANDLORD AND TENANT, BONDS, BILLS AND NOTES. Particular kinds of contracts will be found under specific heads, such as BAILMENTS, SALES, VENDOR AND PURCHASER, COVENANTS, PRINCIPAL AND SURETY, GUARANTY. Particular modes of discharge of obligations are considered under PAYMENT, TENDER, RELEASE. Particular forms of action on contracts will be found under the title ACTION, and other titles of particular forms of action. The measure of damages for breach of a contract in general will be found under DAMAGES, and the remedies to restrain breach under INJUNCTION. Remedies to compel performance of a contract will be considered under SPECIFIC PERFORMANCE. Admissibility and effect in evidence of written contracts and of parol evidence to explain them are included under EVIDENCE. Laws impairing the obligation of contracts will be found under CONSTITUTIONAL LAW.

CONTRIBUTION.

This topic includes the reimbursement of one who has discharged an obligation or suffered a loss for which another or others are liable with him to the extent of the proportionate share of such other or others, and the remedies to enforce contribution. The contribution between joint contractors in general will be found under JOINT ADVENTURES, and contribution between partners under PARTNERSHIP. Contribution between members of unincorporated associations and companies goes to ASSOCIATIONS, JOINT-STOCK COMPANIES, and between members of corporations to CORPORATIONS. Contribution between co-tenants will be found under JOINT TENANCY, TENANCY IN COMMON, and between owners of party walls under PARTY WALLS. Contribution between co-sureties is sent to PRINCIPAL AND SURETY, and contribution between other particular classes of persons under a common liability will go to the specific topics treating of the particular class involved.

CONVERSION.

This topic treats of the changes in the nature of property as real or personal, whether actual, as by exercise of power of eminent do-

main, sale for partition, foreclosure, or investment of funds in land, or constructive, as necessary to carry into effect directions or agreements contained in instruments in writing. Reconversion is also included in the topic. The wrongful conversion of personal property is treated under TROVER AND CONVERSION.

CONVICTS.

This topic deals with persons adjudged guilty of crime, and the disabilities resulting from such conviction, and the regulation of convicts under sentence. Conviction, sentence, and punishment are included under the topic CRIMINAL LAW, and titles of specific offenses. Pardon and commutation of sentence will be found under the topic PARDON. Former conviction as a defense or as ground for increased punishment for specific offense is considered under CRIMINAL LAW. Establishment and management of prisons, penitentiaries, and reformatories will be found under PRISONS, REFORMATORIES. The competency and credibility of convicts as witnesses are considered under WITNESSES. The confinement and support of insane convicts go to INSANE PERSONS. The exclusion of convict immigrants will be found under ALIENS.

COPYRIGHTS.

Decisions bearing on the nature and existence of the exclusive right of an author or other proprietor of a literary work or similar production to multiply copies thereof secured by grant of copyright, the proceedings to obtain such copyright, and remedies relating to the infringement thereof, are included under this topic. The rights of authors independent of copyright statutes will be found under LITERARY PROPERTY.

CORONERS.

This topic treats of public officers of counties authorized to make judicial inquiry as to the causes and circumstances of sudden or violent deaths, their appointment, qualification, and tenure of office, and the rights, powers, duties, and liabilities of coroners and their deputies and assistants. The election of coroner by public vote will be considered under ELECTIONS. The powers and acts of coroners in performing duties of sheriffs are found under SHERIFFS AND CONSTABLES. The effect of coroners' inquests and findings therein in prosecution for homicide will be found under HOMICIDE.

CORPORATIONS.

Under this topic are included bodies corporate in general, their creation, organization, consolidation, and dissolution, together with their rights, powers, duties, and liabilities, and those of their members and officers, and legal proceedings for enforcement thereof.

Questions relating to unincorporated associations and joint-stock companies are considered under ASSOCIATIONS, JOINT-STOCK COMPANIES. Matters which relate only to municipal corporations are sent to the topic MUNICIPAL CORPORATIONS, and those relating to companies formed for a particular purpose or business will be found under the topic which deals specifically with such purpose or business.

COSTS.

Under this topic are grouped decisions relating to pecuniary allowances made by law to parties prevailing in actions or other proceedings, civil or criminal, as reimbursement or indemnity for their expenses therein, security for payment, and remedies for collection. The rights and liabilities in respect of costs of particular classes of persons will be considered under the topics dealing specifically with such persons, as INFANTS, EXECUTORS AND ADMINISTRATORS. Costs in particular classes of actions or other proceedings will be found under the specific heads dealing with such actions or proceedings. Rights of witnesses, jurors, attorneys, and officers to fees will be found under the topics WITNESSES, JURY, ATTORNEY AND CLIENT, OFFICERS. Costs as an element of damages will be found under the topic DAMAGES.

COUNTERFEITING.

Decisions relating to false or fraudulent imitation or alteration of coin or other money or other obligations or securities are included in this topic, together with those relating to the uttering, having, or pretending to have in possession, and the offering or advertising, of such counterfeits. Prosecution of such acts as public offenses are also included. Forgery of instruments in writing of private persons goes to FORGERY.

COUNTIES.

This topic includes the primary territorial divisions of states or territories for political purposes, whether designated as counties or as parishes, their status as bodies politic and corporate, their creation, organization, property, and indebtedness. The rights, powers, duties, and liabilities of local boards and officers also fall within the scope of the topic, together with actions by or against counties. Questions relating to subdivisions of counties will be found under TOWNS. The election of county officers is considered under ELECTIONS, and matters relating to public officers in general will be found under OFFICERS. Matters relating to county courts will be considered under COURTS, and those relating to judges, justices of the peace, county attorneys, and other county officers will be found under the topics JUDGES, JUSTICES OF THE PEACE, DISTRICT AND PROSECUTING ATTORNEYS, and other topics dealing par-

ticularly with county officers. Questions relating to county taxes are discussed under TAXATION, while those relating to county roads and bridges are under HIGHWAYS, BRIDGES. The relief of the poor is considered under PAUPERS, while charitable and reformatory institutions are considered under HOSPITALS, ASYLUMS, REFORMATORIES, PRISONS. Matters which relate to municipal corporations in general will be found under MUNICIPAL CORPORATIONS.

COURT COMMISSIONERS.

Under this topic are grouped decisions relating to officers authorized to assist state courts in the performance of part of their functions with subordinate judicial powers, and proceedings before them in general. Commissioners of circuit courts of the United States are considered under UNITED STATES COMMISSIONERS, and commissioners appointed with judicial authority as additional members of courts, or constituting auxiliary courts or parts of courts, will be found under COURTS, JUDGES. Commissioners in proceedings in chancery are under EQUITY, and those in admiralty proceedings are under ADMIRALTY. The particular proceedings by or before commissioners will be considered under specific heads relating to such proceedings.

COURTS.

This topic includes the judicial department of the government; its nature and scope; the establishment, organization, and conduct of business of courts, the officers attached to them, and the procedure peculiar to particular courts; and jurisdiction and comity between courts. The distribution of powers among departments of government will be found under CONSTITUTIONAL LAW. Questions relating to courts and special jurisdiction and procedure therein are considered under such topics as EQUITY, ADMIRALTY, BANKRUPTCY, CRIMINAL LAW. Questions relating to justices of the peace are considered under the topic JUSTICES OF THE PEACE, and the courts for trial of impeachments are included under the topic OFFICERS. Questions relating to courts-martial are considered under MILITIA, ARMY AND NAVY, WAR. Jurisdiction over and proceedings relating to particular classes of persons, species of property, etc., will be considered under the specific topic relating to the particular class of persons or kind of property under consideration; as, for instance, INFANTS, PARTNERSHIP. Matters relating to particular forms or causes of action, and to special proceedings other than actions, are grouped under the particular heads relating to such special proceedings or actions. The rights and powers of judges and officers of courts exercising judicial powers and their official functions and acts are considered under the topics JUDGES, CLERKS OF COURTS, and other titles of particular officers. The respective functions of judge

and jury will be found under the topic TRIAL. Removal of causes from state courts to courts of the United States will be found under REMOVAL OF CAUSES. Reports of judicial decisions are under the topic REPORTS, and contempt of court is treated under the topic CONTEMPT.

COVENANT, ACTION OF.

This topic treats of the action of covenant as distinguished from other forms of action, review of proceedings, and costs in the action. Covenants and particular classes of promises in writing under seal on which the action may be maintained are included under COVENANTS, DEEDS, BONDS, and other specific heads. Distinctions between forms of action will be treated under ACTION, and election between remedies under ELECTION OF REMEDIES.

COVENANTS.

Under this topic will be treated promises under seal in general, and more particularly such promises relating to the title, possession, or use of real property. Conditions, provisos, etc., contained in a specific contract, will be found under the topic dealing particularly with that contract, such as DEEDS, CONTRACTS. The effect of instruments containing covenants and covenants incident to particular classes of instruments will be treated under such topics as DEEDS, MORTGAGES, LANDLORD AND TENANT, CONTRACTS. The operation of covenants by way of estoppel as to subsequently acquired title are included under the topic ESTOPPEL. Actions of covenant will be found under COVENANT, ACTION OF. Restraining breach of covenant is treated under INJUNCTION, and compelling performance of covenant under SPECIFIC PERFORMANCE.

CREDITORS' SUIT.

Actions to enforce judgments and other general liens against property of debtors liable for payment of their debts, but not subject to levy and sale under execution, review of proceedings, and costs therein, are treated under this topic. Actions for the administration, distribution, etc., of estates of deceased debtors, are treated under EXECUTORS AND ADMINISTRATORS. Actions against insolvent corporations and stockholders therein will be found under CORPORATIONS. Actions to set aside conveyances fraudulent as to creditors are considered under FRAUDULENT CONVEYANCES. Proceedings supplementary to execution will be found under EXECUTION.

CRIMINAL LAW.

Under this topic are grouped decisions relating to acts and omissions in violation of law punishable as offenses against the public, together with questions relating to the capacity to commit crime, the prosecu-

tion of such offenses, modes of punishment, review of proceedings, and prevention of crime in general. The responsibility for criminal acts of particular classes of persons will be found under the topics dealing especially with those classes, as INFANTS, INSANE PERSONS. Questions relating to arrest and bail will be considered under ARREST, BAIL, and those relating to extradition of fugitives will be found under EXTRADITION. Searches and seizures of property will be considered under SEARCHES AND SEIZURES. Prosecuting attorneys and grand juries, and all questions relating to one or the other, will be considered under the topics DISTRICT AND PROSECUTING ATTORNEYS, GRAND JURY. The finding and requisites of indictments or other accusations, objections thereto, and motions to quash demurrers thereto, amendment thereof, variance between averments and proof, and conviction of offense included in that charged, are all treated under the topic INDICTMENT AND INFORMATION. Guaranty of trial by jury is under JURY, and the effect as adjudication of acquittal, conviction, judgment, or sentence will be found under JUDGMENT. The disabilities and regulation of convicts, the establishment and regulation of prisons and reformatories, and pardon or commutation of sentence, will be found under CONVICTS, PRISONS, REFORMATORIES, PARDON. Proceedings for discharge from imprisonment by habeas corpus are treated under HABEAS CORPUS. The nature, elements, and degrees, grounds of defense, prosecution, and punishment of particular classes of offenses, or offenses peculiar to particular classes of persons or personal relations or occupations, or incident to particular species of property or kinds of transactions, will be found under specific heads dealing with the particular offense, or the particular class of persons or species of property involved.

CROPS.

Questions relating to the annual products of the soil while unsevered therefrom are considered under this topic. The promotion of agriculture in general and agricultural liens will be found under AGRICULTURE. The rights and liabilities incident to particular estates in land are under LIFE ESTATES, REMAINDERS, LANDLORD AND TENANT, and other specific heads. Conveyances and contracts relating to crops will be found under SALES, CHATTEL MORTGAGES, and other specific heads, and the liability of crops to attachment or execution will be found under ATTACHMENT, EXECUTION.

CURTESY.

This topic deals with the nature and incidents of the interest in the real property of a deceased wife to which her husband is entitled for his life or absolutely, at common law or by statute, together with the abolition of curtesy and its effect, and remedies relating to curtesy. The rights of a surviving husband in respect of community prop-

erty will be found under HUSBAND AND WIFE, and the rights of such survivor in the homestead are considered under HOMESTEAD. The rights under statutory provisions for allowances out of the wife's estate are found under EXECUTORS AND ADMINISTRATORS. The rights of inheritance from a wife or in distribution of her personal estate are under DESCENT AND DISTRIBUTION, and the rights under the will of a wife, and election between curtesy and testamentary provisions, will be found under WILLS.

CUSTOMS AND USAGES.

Decisions as to established methods of dealing in particular occupations or trades, or in transactions of a particular kind or in particular localities, are grouped under this topic, together with those relating to pleading such customs and usages and evidence of them. Local as well as general customs having the force of law will be considered under COMMON LAW and titles of specific subjects. The practice or course of dealing as between persons in particular relations will be found under the topics dealing with such relations, as PRINCIPAL AND AGENT, MASTER AND SERVANT; and the evidence of a practice or course of dealing showing due care or negligence, trespass, etc., will be found under NEGLIGENCE, TRESPASS, and other specific heads.

CUSTOMS DUTIES.

Under this topic are considered decisions relating to taxes on imports or exports, the power to impose such duties, constitutional and statutory provisions relating thereto, property subject to duty, rights and remedies of importers or owners of goods, and punishment for violations of customs laws. Questions relating to excise duties and other internal taxes are considered under INTERNAL REVENUE.

DAMAGES.

This topic includes pecuniary compensation, indemnity, or satisfaction allowed by law for injuries by the unlawful act or default of another; rights to substantial or nominal damages, and to immediate, consequential, remote, or prospective damages, and also to compensatory or exemplary damages. This topic also includes questions relating to penalties and liquidated damages and measure of damages for breach of contract in general, measure of damages for torts in general, interest as an element of damages, questions as to whether damages awarded are inadequate or excessive, and proceedings relating to recovery and assessment of damages in general. Causes of action and grounds of recovery of damages will be found under ACTION, and titles of particular forms and causes of action. Distinctions between proximate and remote causes of injury will be found under NEGLIGENCE. The measure of damages for breaches

of particular classes of contracts, and for particular classes of injuries to person, property, reputation, etc., will be found under the specific topics dealing with such contracts or classes of injuries. The correction of errors in and review of awards of damages are under NEW TRIAL, APPEAL AND ERROR. Damages arising from the wrongful use or abuse of legal process are considered under PROCESS, ATTACHMENT, EXECUTION, INJUNCTION, and damages for frivolous or vexatious appeal are included in the topic COSTS.

DEAD BODIES.

Under this topic the personal rights, duties, and liabilities of relatives and representatives of one deceased in respect of the possession and disposition of the body, and offenses relating to the disposal of dead bodies, are considered. Liabilities of the estate of the deceased are under EXECUTORS AND ADMINISTRATORS. The burial of paupers will be found under PAUPERS, and the rights in burial lots and cemeteries and regulation of cemeteries under CEMETERIES. The regulations for protection of public health and life are under the topic HEALTH, and inquests as to the cause of death are treated under CORONERS.

DEATH.

This topic deals with the presumptions and proof as to death and survivorship in general, and also actions for cause of death. The sufficiency for particular purposes of evidence of death and the effect of death, and proceedings founded thereon, will be found under such topics as CONTRACTS, MASTER AND SERVANT, PRINCIPAL AND AGENT, PARTNERSHIP, WILLS, DESCENT AND DISTRIBUTION, EXECUTORS AND ADMINISTRATORS, ABATEMENT AND REVIVAL, JUDGMENT. Negligence and wrongful acts causing death as grounds of actions for damages will be found under NEGLIGENCE, MASTER AND SERVANT, CARRIERS, RAILROADS, and other specific heads, and actions for damages from death caused by sale of intoxicants will be found under INTOXICATING LIQUORS.

DEBT, ACTION OF.

Under this topic will be found decisions relating to actions of debt as distinguished from other forms of action, review of proceedings, and costs in such actions. Particular forms of obligations on which the action of debt may be maintained will be found under the topics dealing particularly with such obligations, as CONTRACTS, BONDS, JUDGMENT. Distinctions between forms of action are under ACTION, and election between remedies under ELECTIONS OF REMEDIES.

DEDICATION.

Included in this topic is the giving or devoting of real property or easements therein to the use of the public, and the acceptance and revocation of such dedication. The abandonment of property will be found under ABANDONMENT, the dedication to the public of inventions under PATENTS, and of literary works under COPYRIGHTS.

DEEDS.

This topic deals with instruments in writing under seal in general, and more particularly conveyances of real property. Grants of land by the government will be considered under PUBLIC LANDS, and deeds by or to particular classes of persons will be found under the topics which deal particularly with the class of persons whose interests are involved, such as ALIENS, INFANTS, INSANE PERSONS, PARTNERSHIP, ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS. Questions relating to deeds between persons in particular personal relations will be found under such topics as HUSBAND AND WIFE, PARENT AND CHILD, GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, ATTORNEY AND CLIENT. Deeds conveying or affecting particular kinds of property or easements therein are under MINES AND MINERALS, WATERS AND WATER COURSES, EASEMENTS, PARTY WALLS, and other specific heads. Questions relating to deeds given as security or in trust are considered under the topics MORTGAGES, CHATTEL MORTGAGES, TRUSTS, and those in execution of trusts and powers will be found under TRUSTS, POWERS. Deeds of land sold by guardians will be found under GUARDIAN AND WARD, and those by executors or administrators under EXECUTORS AND ADMINISTRATORS. Questions relating to deeds under orders of court, judgments, or decrees will be found under JUDICIAL SALES, and other specific heads dealing with the orders, judgments, or decrees under consideration. Questions relating to deeds under execution will be found under EXECUTION, and those relating to tax deeds under TAXATION. Deeds which are fraudulent as to creditors of subsequent purchasers are considered under FRAUDULENT CONVEYANCES, and the requirements of the statute of frauds will be found under FRAUDS, STATUTE OF. The sufficiency in general of signatures is considered under SIGNATURES, and of seals under SEALS. The necessity and sufficiency of an acknowledgment to a deed will be found under ACKNOWLEDGMENT. Compelling execution and delivery will be treated under SPECIFIC PERFORMANCE, and the establishing of lost deeds under LOST INSTRUMENTS. The effect of the alteration of a deed will be found under ALTERATION OF INSTRUMENTS, and the reformation of a deed under REFORMATION OF INSTRUMENTS. Compelling cancellation or surrender of deeds is under CANCELLATION OF INSTRUMENTS, and the va-

lidity, construction, and effect of covenants in deeds will be found under COVENANTS. Estoppel by deed and operation of covenants to pass title by estoppel will be found under ESTOPPEL, and the admissibility and effect in evidence of deeds, declarations of parties thereto, and of parol evidence to explain deeds, are treated under EVIDENCE. The operation and effect of records of deeds as constructive notice to purchasers and mortgagees will be found under VENDOR AND PURCHASER, MORTGAGES.

DEPOSITARIES.

This topic treats of the delivery of money or other personal property for safe-keeping, either with or without compensation, to be redelivered in accordance with the purpose of the deposit; the rights, duties and liabilities of those receiving such deposits in general, and more particularly of depositaries of public moneys; and remedies relating thereto. Deposits incident to a particular occupation will be found under the topic dealing particularly with such occupation, as BANKS AND BANKING, WAREHOUSEMEN, and deposit or payment in court is treated under the topics DEPOSITS IN COURT, TENDER, COSTS.

DEPOSITIONS.

Included in this topic is the testimony taken in judicial proceedings in writing upon interrogatories, oral or written, with opportunity for cross-examination, whether taken under a bill to perpetuate testimony or otherwise, requisites of bills to perpetuate testimony, proceedings, and actions in which depositions may be taken and used. Competency of evidence in general goes to EVIDENCE, and competency, attendance and examination of witnesses in court will be found under WITNESSES; testimony in writing taken ex parte is treated under the topic AFFIDAVITS, and the use in evidence of testimony given at previous trials or in different actions or other proceedings will be found under EVIDENCE.

DEPOSITS IN COURT.

This topic deals with the delivery of money or goods to courts or officers of courts incident to civil actions made pursuant to statute, rule, or order of court or consent of parties to the action. Payment of money into court incident to tender and deposit of money by way of security in particular proceedings, and effect of such payment or deposits, will be found under TENDER, COSTS, BAIL, APPEAL AND ERROR, and other specific heads. The duties and liabilities of officers are considered under the topics OFFICERS, CLERKS OF COURTS, and titles of other specific officers; and the duties and liabilities of depositaries of public moneys will be considered under the topic DEPOSITARIES.

DESCENT AND DISTRIBUTION.

This topic deals with the transmission of property, real or personal, by hereditary succession, the rights to inherit or share in the division of intestates' estates in general, and liabilities of heirs, next of kin, and other distributees. The disabilities of particular classes of persons to inherit will be found under the topics which deal with those classes particularly, as ALIENS, BASTARDS. The right to dower will be found under the topic of DOWER, and that of curtesy under CURTESY. The rights in a homestead are considered under the topic HOMESTEAD. The administration of decedents' estates in general will be found under EXECUTORS AND ADMINISTRATORS. Right to community property will be found under the topic HUSBAND AND WIFE. The rights of surviving partners to partnership property, or to act as statutory partnership administrators, will be found under PARTNERSHIP. Inheritance and succession taxes are included in the topic TAXATION.

DETECTIVES.

This topic deals with the regulation and conduct of the business of detection of crime or other wrongdoing, or watching and protecting persons or property by private individuals or corporations. Decisions relating to municipal police officers will be found under MUNICIPAL CORPORATIONS, and those relating to other public officers in general will be found under OFFICERS.

DETINUE.

Under this topic will be considered questions relating to actions for recovery of specific personal property wrongfully detained, or the value thereof as damages where it cannot be delivered, founded on the right of property, together with review of proceedings and costs in such actions. Actions founded on the right of possession merely will be found under REPLEVIN, and summary proceedings to determine and restore previous possession are included under the topic POSSESSORY WARRANT. Actions for damages merely for injuring, taking, converting or detaining personal property will be found under TRESPASS, TROVER AND CONVERSION.

DISCOVERY.

This topic deals with the obtaining and use of disclosures of facts, writings or other things within the knowledge, possession, or control of a defendant in a civil action or other person, as being part of a cause of action, or evidence to sustain an action brought or about to be brought by or against the party seeking disclosure, such disclosure being obtained by compelling answers to bills in equity, or to interrogatories, or by oral examination of parties, or inspection of

documents, books, or other matters. Taking and using testimony in form of depositions will be found under DEPOSITIONS. Compelling production of documents as evidence at trials by parties is treated under EVIDENCE. Compelling a witness to produce a document to be used as evidence is under WITNESSES. The physical examination of an injured person in assessing damages for the injury will be found under DAMAGES, and inspection or view by jury under TRIAL.

DISMISSAL AND NONSUIT.

The termination of civil actions before trial of the issues therein by voluntary act of the plaintiff in discontinuing or withdrawing from the suit, or becoming nonsuited, or by order of the court entered on consent of the parties, or made because of delay, defect, or default in the proceedings, is treated under this topic. The topic also includes setting aside discontinuance, dismissal, or nonsuit, and reinstating cause. The dismissal or nonsuit on failure of proof at the trial goes to TRIAL. The entry of judgment on dismissal or nonsuit and defect of such judgment is under JUDGMENT, and the dismissal of particular writs and proceedings through actions will be found under HABEAS CORPUS and titles of other special proceedings. The dismissal of appeals and writs of error are under APPEAL AND ERROR. Dismissal of criminal prosecutions are under CRIMINAL LAW, and dismissals and nonsuits in proceedings before justices of the peace are under JUSTICES OF THE PEACE.

DISORDERLY CONDUCT.

This topic deals with misconduct prejudicial to the safety, comfort, or welfare of others, not constituting a breach of the peace or other distinct offense, and the prosecution of such misconduct as a public offense. Offenses against the public peace in general will be found under BREACHES OF PEACE, and those against public health, safety, or comfort under the topic NUISANCE. Offenses against public decency will be found under the topic of OBSCENITY, and blasphemy or profanity under the topic BLASPHEMY. Questions relating to intoxication will be found under the topic DRUNKARDS. The keeping of a disorderly house is considered under DISORDERLY HOUSE, and disorderly mode or course of life under VAGRANCY.

DISORDERLY HOUSE.

Decisions relating to owning, letting, keeping, or frequenting a building, or portion of a building, used as a bawdy house, or for other lewd or indecent purposes, or as a gaming house, or place for smoking opium, or other place of public resort, by which the peace, comfort or decency of the neighborhood is habitually disturbed, are considered under this topic, together with the keeping of such a house; and the

conduct of the inmates which constitutes a public nuisance. The prosecution of such acts as public offenses also falls within the scope of the topic. Nuisances in general are excluded, and will be found under the topic NUISANCE. Keeping places for illegal sale of intoxicating liquors will be found under the topic INTOXICATING LIQUORS.

DISTRICT AND PROSECUTING ATTORNEYS.

This topic deals with questions relating to public prosecutors for particular districts or counties in civil, as well as criminal, cases; their eligibility for the office, appointment, qualification, and tenure, together with the rights, powers, duties, and liabilities of themselves and their assistants. City attorneys and counsel of municipal corporations are under MUNICIPAL CORPORATIONS. Questions concerning the election of district or county attorney by popular vote will be considered under ELECTIONS. Particular proceedings by prosecuting attorneys will be found under the specific topics relating to such proceedings, as GRAND JURY, INDICTMENT AND INFORMATION.

DISTRICT OF COLUMBIA.

This is the District ceded to the United States as the seat of government, and the topic deals with the cessions of the territory and their effect in general; the status of the District as a body politic and corporate; the establishment and control of the capitol and other public buildings and public reservations; the power of the national government over the District; local laws and laws of the United States applicable thereto. It also includes the establishment and organization of the local government, appointment of officers thereof, and rights and powers, proceedings and liabilities, of such government, its officers and agents, public improvements and assessments therefor, and the administration in general of the government of the District. The rights of citizens in the District in general will be found under CITIZENS, CONSTITUTIONAL LAW, CIVIL RIGHTS. Questions relating to the courts of the District will be considered under the topic COURTS, and particular subjects of jurisdiction. Questions relating to the judges and other officers thereof will be considered under the topics JUDGES, CLERKS OF COURTS, and other specific heads.

DISTURBANCE OF PUBLIC ASSEMBLIES.

This topic includes acts or conduct interfering with the peace or order of a lawful assemblage of persons for religious or other purposes, and the prosecution of such acts or conduct as public offenses. Breach of public peace is excluded, and will be found under the topic BREACH OF THE PEACE.

DIVORCE.

Decisions relating to the dissolution of the relation of marriage, total or partial, by legislative or judicial action, and judicial separation of husband and wife, will be grouped under this topic. Review of proceedings and costs in such actions are also included. Actions to annul marriage will be considered under MARRIAGE. Separations by agreement and actions for separate maintenance, without divorce, will be found under the topic HUSBAND AND WIFE. The effect of divorce on rights of dower is considered under dower, while its effect on curtesy is considered under CURTESY. The effect of divorce on the homestead rights will be found under HOMESTEAD.

DOMICILE.

This topic deals with the places of fixed habitation of individuals, their nature, acquisition, and change thereof in general. The domicile of partnerships will be considered under PARTNERSHIP, and that of corporations under CORPORATIONS. What constitutes domicile for particular purposes, and application of the law of the domicile to particular subjects, will be considered under specific heads, which have particular reference to such purposes or subjects.

DOWER.

Under this topic are included the nature and incidents of the interest in the real property of a deceased husband, to which his widow is entitled for her life or absolutely, at common law or by statute, and remedies relating thereto. The rights of a widow in respect to community property will be considered under HUSBAND AND WIFE, and her rights to the homestead under HOMESTEAD. Rights of quarantine and other statutory provisions for allowances out of the husband's estate will be found under EXECUTORS AND ADMINISTRATORS, and rights of inheritance from husband, or in distribution of husband's personal estate, are considered under DESCENT AND DISTRIBUTION. The rights under will of a husband, and election between dower and testamentary provisions, will be considered under WILLS.

DRAINS.

Included in this topic are channels and other works constructed by public authority for drainage of swamp or lowland, the nature and scope of power to establish and maintain such works, and the construction and maintenance of such works. Questions relating to drains or sewers in incorporated cities will be considered under MUNICIPAL CORPORATIONS. The rights and liabilities of owners of land in respect of surface or subterranean waters in general, and private rights of drainage through other lands, will be found under WATERS AND WATER COURSES. The exercise of the power of eminent domain will be considered under EMINENT DOMAIN.

DRUGGISTS.

This topic treats of the regulation of the manufacture, dispensing and sale of medicine and other drugs by apothecaries or others, and liability for injuries from negligence therein. The regulation of manufacture and sale of intoxicants will be found under the topic INTOXICATING LIQUORS, and the regulation of poisons under POISONS. The offense of adulterating drugs is treated under the topic ADULTERATION.

DRUNKARDS.

Under this topic will be found questions relating to the rights and disabilities in general of persons affected by intoxication which is not merely temporary in its effects, the custody and protection of their persons and property, and legal proceedings affecting them. The topic also includes the offense of drunkenness, either habitual or occasional. Disability from temporary intoxication will be considered under such topics as CONTRACTS, DEEDS, CRIMINAL LAW. Questions relating to the testamentary capacity of drunkards will be found under WILLS. The sale of liquors to drunkards or intoxicated persons is included in the topic INTOXICATING LIQUORS. Questions relating to asylums for inebriates are considered under the topic ASYLUMS. Drunkenness as a ground for divorce will be found under DIVORCE.

DUELING.

This topic includes fighting with weapons by previous agreement or on a previous quarrel, advising or aiding therein; sending, carrying, delivering, or accepting a challenge so to fight, provoking or inducing another to give or accept such challenge, and posting or advertising another for not fighting or for not sending or accepting a challenge to fight such a duel. It also includes prosecution of such acts as public offenses. Fighting by agreement, without weapons, is considered under the topic PRIZE FIGHTING. Fighting without previous agreement therefor or quarrel is considered under AFFRAY. The killing of another in a duel is treated under HOMICIDE.

EASEMENTS.

Included in this topic are the nature and incidents of privileges of proprietors of real property in lands of others, independent of ownership of the soil, their creation by reservation or other means, and the use, transfer, and extinguishment thereof, and remedies relating thereto. The mutual rights, duties, and liabilities of proprietors of adjoining lands in general will be considered under ADJOINING LANDOWNERS. Questions relating to public easements will be considered under DEDICATION, HIGHWAYS, NAVIGABLE WATERS. Easements affecting particular species of property will be

found under such topics as MINES AND MINERALS, PARTY WALLS, WATERS AND WATER COURSES. The validity and construction of deeds creating or conveying easements will be considered under DEEDS.

EJECTMENT.

Under this title actions for recovery of specific real property founded on right of possession and right to damages for being deprived thereof, whether proceeding according to common law or statutory forms, will be considered, together with enforcement of judgment by writ of possession or otherwise, review of proceedings, and costs in such actions. Real actions in general, founded on right of property, will be found under REAL ACTIONS, and those founded on right of possession will be found under ENTRY, WRIT OF. Actions founded on forcible entries, unlawful detainer, etc., go to FORCIBLE ENTRY AND DETAINER, and those founded on the right to damages for trespass to TRESPASS TO TRY TITLE. Actions for damages for wrongful entry upon or injury to real property will be found under TRESPASS. The recovery of possession of particular kinds of property, or by holders of particular classes of estates or interest, will be found under such heads as MINES AND MINERALS, TENANCY IN COMMON, LANDLORD AND TENANT, MORTGAGES. The effect of adverse possession and of statutes of limitation will be considered under ADVERSE POSSESSION, LIMITATION OF ACTIONS. New trials as of right in actions of ejectment will be found under NEW TRIAL.

ELECTION OF REMEDIES.

The choice between different means of redress afforded by law for the same injury, or different forms of proceeding on the same cause of action, will be considered under this title. Election between inconsistent or alternative rights, claims, etc., will be found under such topics as WILLS, CONTRACTS, PRINCIPAL AND AGENT, EQUITY. Elections between remedies incident to particular transactions goes to the topic dealing with that particular transaction, such as CARRIERS, INSURANCE, SALES. Election between counts in pleading will be found under PLEADING, and election in indictments will be considered under INDICTMENT AND INFORMATION.

ELECTIONS.

Included in this topic is the choice by popular vote at general or special elections of public officers, and determination by such vote of questions submitted thereto. It also includes nature of the right of suffrage and regulation of its exercise in general, ordering or calling elections, nominations, and ballots, conduct of elections and ascertaining results and making returns thereof, proceedings to contest

result, and violations of election laws. Election or appointment of officers by legislative or other bodies will be found under such topics as STATES, COUNTIES, TOWNS, MUNICIPAL CORPORATIONS, OFFICERS. The election of officers of private corporations goes to CORPORATIONS.

ELECTRICITY.

This topic deals with the regulation, production, and use of electricity, and of machinery, structures, and apparatus employed therein in general, and the supply of electricity as a motive power or for other purposes and rights, duties, and liabilities incident thereto. Powers of municipalities to grant franchises to companies engaged in the manufacture or supply of electricity will be found under MUNICIPAL CORPORATIONS. The duties and liabilities of employers with reference to the use of electricity are included under the topic MASTER AND SERVANT. The use of electricity in the operation of railroads is treated under the topics RAILROADS, STREET RAILROADS, and its use by telegraph or telephone lines under TELEGRAPHS AND TELEPHONES.

EMBEZZLEMENT.

This offense consists in the fraudulent appropriation of personal property by one in possession thereof to whom it has been intrusted by or for the owner, as bailee, servant, agent, trustee, public officer, etc. The topic also includes the nature and elements of the crime of embezzlement, larceny by bailee, and the prosecution of such acts as public offenses. The separate liability for conversion of property will be treated under TROVER AND CONVERSION. The offenses of taking and removing or fraudulently obtaining property in possession of another will be found under LARCENY, FALSE PERSONATION, FALSE PRETENSES.

EMBRACERY.

This offense consists in improperly influencing, or attempting to influence, the action of a juror, arbitrator, or referee, in respect of the verdict, award, or other decision to be rendered, by any means not constituting bribery. The topic also includes prosecution of such acts as public offenses. Bribery of jurors is considered under BRIBERY.

EMINENT DOMAIN.

This topic treats of the taking of property from its owner for public use, and the rights, liabilities, and proceedings incident thereto. Voluntary dedication of property to public use is considered under DEDICATION, and the taking or use of property for military purposes in time of war will be found under WAR.

ENTRY, WRIT OF.

Included under this title are actions for recovery of specific real property founded on mere right of possession thereof, without or with incidental recovery of damages for detention of profits thereof; more particularly, writs of entry and statutory possessory actions of similar character, review of proceedings, and costs in such actions. Real actions founded on right of property are treated under REAL ACTIONS, and actions for forcible entry and detainer and of forcible detainer are found under FORCIBLE ENTRY AND DETAINER. The recovery of possession merely of real property, and damages for detention thereof, are considered under EJECTMENT, TRESPASS TO TRY TITLE. Actions for damages for wrongful entry upon or injury to real property are found under TRESPASS, and writs of entry to foreclose mortgages under MORTGAGES.

EQUITY.

The administration of equity as a distinct system of jurisprudence, either by separate courts of chancery or by other courts exercising chancery powers, is considered under this topic, together with the nature, grounds, limits, and subjects of jurisdiction in equity in general, and the principles and maxims of equity jurisprudence and procedure peculiar to suits in equity. Jurisdiction of courts of equity, and its exercise over particular classes of persons or species of property or estates therein, will be found under the topics INFANTS, PARTNERSHIP, TRUSTS, and other specific heads. Particular equitable estates, rights, and defenses will be considered under topics which treat especially of such estates, rights, and defenses, such as ESTATES, ASSIGNMENTS, MORTGAGES, LIENS, ESTOPPEL, SET-OFF AND COUNTERCLAIM. Particular equitable remedies will be found under INJUNCTION, QUIETING TITLE, CANCELLATION OF INSTRUMENTS, REFORMATION OF INSTRUMENTS, SPECIFIC PERFORMANCE, ACCOUNT, DISCOVERY. Equitable relief and equitable defenses in actions of common law or under practice acts or codes abolishing distinction between actions at law and suits in equity will be found in ACTION, PLEADING, and titles of particular proceedings in actions. Appeals from decrees or orders in equity will be found under APPEAL AND ERROR. Costs in equitable cases are included in the topic COSTS. The organization and general conduct of business of courts of equity will be found under COURTS.

ESCAPE.

This topic treats of the voluntary departure and attempts of prisoners to depart from lawful custody of officers or other persons, or from any place where they are lawfully confined, and the prosecution of such acts as public offenses. The civil liabilities of officers for permitting an escape will be found under such specific titles as

OFFICERS, SHERIFFS AND CONSTABLES. Resisting or obstructing arrest is treated under OBSTRUCTING JUSTICE; and delivery of prisoners from custody by others under RESCUE.

ESCHEAT.

The reversion of property, real or personal, to the state for want of persons legally competent to hold or take it, is included under this title, together with the conveyance, release, and enforcement of the rights of the state. Disabilities of particular classes of persons to inherit are found under topics which have special reference to such classes, as ALIENS, BASTARDS.

ESCROWS.

Questions relating to deeds, bonds, and other obligatory writings delivered to a person not a party thereto, to be held by him until the performance of a specific condition or the happening of a certain contingency, and then to be delivered to the grantee or obligee, are considered under this topic. The delivery as escrow, as a compliance with the statute of frauds, is included under FRAUDS, STATUTE OF.

ESTATES.

Included in this topic are the nature and incidents of interests in real or personal property in general, and of estates in fee or absolute ownership, and union or merger of estates. The creation and transfer of estates are treated under DEEDS, WILLS, DESCENT AND DISTRIBUTION, and other specific heads. Particular estates, or estates less than the fee, are treated under ESTATES TAIL, LIFE ESTATES, DOWER, CURTESY, LANDLORD AND TENANT, REVERSIONS, REMAINDERS. Estates which are held jointly or in common are under JOINT TENANCY, TENANCY IN COMMON. Questions relating to estates of decedents are considered under EXECUTORS AND ADMINISTRATORS. The estates of insolvents and bankrupts are considered under INSOLVENCY, BANKRUPTCY.

ESTATES TAIL.

Included in this topic are the nature and incidents of estates of inheritance limited to issue, general or special, abolition of such estates and its effect, rights, powers, and liabilities of tenants in tail and barring entails. The general operation of the rule in Shelley's Case is considered under ESTATES, and the construction of grants and devises in tail will be considered under DEEDS, WILLS.

ESTOPPEL.

The preclusion of persons from asserting or denying matters of fact, rights, or claims contrary to or inconsistent with previous allegations, admissions, denials, acts, or conduct of the same per-

sons, or those under whom they claim, will be considered under this topic. The liability of particular classes of persons to be estopped will be found under the topic dealing particularly with the class of persons estopped, such as INFANTS. Estoppel of tenant to exclude landlord's title is included in the topic LANDLORD AND TENANT. The conclusiveness and effect of judgment will be found under the topic JUDGMENT.

EVIDENCE.

This topic deals with the means of ascertaining the truth respecting matters of fact in issue in civil actions and proceedings in general, and admissibility for that purpose of relevant facts, statements, opinions, character, reputation, etc. It also includes the modes of proof and production of evidence other than testimony of witnesses, particularly documentary evidence, and the exclusion of oral by documentary evidence, the burden of making proof and operation of presumptions, and the sufficiency and effect of evidence in civil cases in general. The competency of witnesses, attendance and production of documents, etc., by witnesses, and the examination and credibility of witnesses, are all found under the topic WITNESSES. Taking and use of written testimony is treated under DEPOSITIONS. AFFIDAVITS, and the acknowledgment and record of written instruments are found under ACKNOWLEDGMENT, RECORDS. Estoppel to assert or deny matters of fact will be found under ESTOPPEL, and the discovery of evidence under DISCOVERY. Evidence to sustain particular causes of actions or defenses thereto will be found under CONTRACTS, TORTS, and other specific heads. Evidence in particular forms of civil actions will be found under titles of various forms of action. Evidence to sustain or defeat particular remedies in actions will be found under ARREST, ATTACHMENT, and other specific heads. Evidence in actions for particular forms of relief will be found under such heads as DIVORCE, EJECTMENT, REPLEVIN, SPECIFIC PERFORMANCE. If the evidence is offered in civil proceedings other than actions, it will appear under HABEAS CORPUS, MANDAMUS, and titles of other special proceedings. Rules of evidence peculiar to procedure in equity will be found under EQUITY, and those peculiar to admiralty under ADMIRALTY, SHIPPING, COLLISION. Rules of evidence which apply particularly to proceedings under bankruptcy acts will be found under BANKRUPTCY. Evidence in criminal prosecutions will be considered under CRIMINAL LAW and titles of particular crimes. The admissibility of evidence as dependent on pleadings, and what constitutes variance and its effect, are considered under PLEADING; practice in reception of evidencé goes to TRIAL, REFERENCE. The province of court and jury as to questions of fact and instructions to juries on the evidence are found under TRIAL. The correction of errors and review of decisions in regard to admission or rejection of evidence, or involving the weight of evidence, will be found under EXCEPTIONS, BILL OF, NEW TRIAL, APPEAL AND ERROR.

EXCEPTIONS, BILL OF.

Under this title are grouped decisions referring to statements in writing of exceptions taken to rulings or other action of the court at trials of civil causes, required for correction of errors at such trials, and proceedings to compel settlement, signing, sealing, and filing thereof. Exceptions in criminal cases will be found under CRIMINAL LAW, and those to pleadings or other proceedings in equity under EQUITY, and, if they relate to admiralty, they will be found under ADMIRALTY. The taking and noting of exceptions at trials is considered under TRIAL, REFERENCE. The review of decisions relating to making bills of exceptions, and the hearing of exceptions in first instance by appellate court, are considered under APPEAL AND ERROR. The necessity and use of exceptions on motion for new trial will be found under NEW TRIAL, and on appeals or writs of error under APPEAL AND ERROR.

EXCHANGE OF PROPERTY.

This topic deals with the mutual transfers of ownership of property by way of interchange without fixed price or valuation, and remedies relating thereto. Conveyances of land by way of exchange are excluded, and will be found under DEEDS.

EXCHANGES.

Under this topic are found decisions relating to bodies formed by the incorporation or association of persons engaged in business of the same nature for the purpose of facilitating and regulating the transaction of such business among the members. Matters relating to corporations or unincorporated associations in general will be found under CORPORATIONS, ASSOCIATIONS. The liability of seats or memberships in exchanges to levy of execution goes to EXECUTION, and the arbitration of differences between members of exchanges will be found under ARBITRATION AND AWARD.

EXECUTION.

This topic includes the enforcement of judgment and orders under civil actions and proceedings in general by final process, against property or person. Executions against particular classes of persons will be found under such topics as INFANTS, EXECUTORS AND ADMINISTRATORS. Executions in particular forms of action, or on particular causes of action, or in proceedings other than actions, will be found under specific titles relating to such forms or causes of action or proceedings. The enforcement of decrees and orders other than for the payment of money in suits in equity will be found under RECEIVERS, SEQUESTRATION, JUDICIAL SALES, ASSISTANCE, WRIT OF, CONTEMPT. If the enforcement is one in admiralty, questions relating thereto will be considered under AD-

MIRALTY. Executions issued in proceedings under insolvency acts go to INSOLVENCY, and those under bankrupt acts to BANKRUPTCY. The execution of sentence in criminal cases will be found under CRIMINAL LAW, PRISONS, and titles to particular classes of crime. The execution of a judgment of a justice of the peace goes to JUSTICES OF THE PEACE. Questions relating to property exempt from execution and protection of rights of exemption are treated under EXEMPTIONS, HOMESTEAD. Suits in aid of execution are under CREDITORS' SUIT. Levy on and proceedings to reach property conveyed in fraud of creditors appear under FRAUDULENT CONVEYANCES. The revival of judgment for purpose of issuing execution is under JUDGMENT. Supersedeas of execution will be found under SUPERSEDEAS, and stay of execution pending appeal or error under APPEAL AND ERROR, and pending proceedings under insolvent acts under INSOLVENCY, and under bankrupt acts under BANKRUPTCY. The duties and liabilities of officers in respect to issuance, levy, and return of execution are considered under CLERKS OF COURTS, SHERIFFS AND CONSTABLES, and titles of other specific officers.

EXECUTORS AND ADMINISTRATORS.

Under this topic will be considered questions relating to the general administration of decedents' estates under testamentary or judicial appointment, and legal proceedings relating thereto. The probate, establishment, interpretation, and effect of wills will be found under WILLS. Testamentary powers and trusts are considered under POWERS, TRUSTS. Rights on distribution of intestates' estates are considered under DESCENT AND DISTRIBUTION, and the administration of community property under HUSBAND AND WIFE. The settlement of partnership affairs by surviving partners or by statutory partnership administrators is considered under PARTNERSHIP. The particular rights and liabilities of devisees and legatees are included in the topic WILLS, and those of heirs and next of kin in the topic DESCENT AND DISTRIBUTION.

EXEMPTIONS.

Under this title is included the exception from liability to seizure and sale under legal process for payment of debts, of property of debtors, more particularly of personal property. The waiver or loss of right to exemption, and protection and enforcement of the right are also included. The exemption from forced sale of real property as homestead will be found under HOMESTEAD. The exemption of property of decedents from administration, and allowance therefrom to widow or family of decedent, are under EXECUTORS AND ADMINISTRATORS. Exemptions from taxation will be found under TAXATION.

EXPLOSIVES.

The regulation of manufacture, dealing in and use of explosive substances, together with the liability for injuries therefrom caused by negligence, are included in this topic. The powers of municipalities in general will be considered under MUNICIPAL CORPORATIONS. The transportation of articles dangerous to other goods or to passengers is considered under CARRIERS, SHIPPING. The use of explosives constituting a nuisance goes to NUISANCE, or for the purpose of malicious injury to property to MALICIOUS MISCHIEF. Questions relating to the use of explosives in firearms are considered under WEAPONS, and questions relating to steam and gas are considered under STEAM, GAS.

EXTORTION.

Extortion is the obtaining or attempting to obtain from another under color of official or other right money or other property, more particularly by the taking or claiming, by public officer, of illegal or excessive fees or compensation for official acts. The topic further includes acts of oppression or other injury to person, property, or rights, committed by such officer under color of official authority, and prosecution of such acts as public offenses. Obtaining money or other property by threats is considered under THREATS. Actions relating to false personation of officer or other person exercising special authority will be considered under FALSE PERSONATION. Civil liability of officers receiving illegal or excessive fees is treated under OFFICERS.

EXTRADITION.

Under this topic are grouped the decisions relating to delivery by one country or state to another of persons charged with the commission of crime within the jurisdiction of such other country or state, either as matter of comity or under provisions of treaties, constitutions, or other compacts, the review of proceedings connected therewith, and the costs and expenses of such proceedings. The delivery by one state to another of fugitives from service will be found under SLAVES.

FACTORS.

This topic deals with the regulation and conduct of the business of receiving and selling goods consigned or otherwise intrusted to factors or commission merchants for sale. Questions relating to agency in general, and on particular occasions only, not in the course of the agent's ordinary business, will be considered under PRINCIPAL AND AGENT. Sales of goods through brokers not having possession or control of the property are under BROKERS.

FALSE IMPRISONMENT.

The restraint of the person of another without sufficient authority, not merely incident to a malicious prosecution, is considered under this topic, together with the justification or excuse for such restraint, and liabilities and remedies therefor, civil or criminal. The right to make an arrest is under ARREST, and the remedy by right of habeas corpus will be found under HABEAS CORPUS.

FALSE PERSONATION.

Deception by assuming and acting in the character of another person, or by assuming to be a public officer, or a person having any special authority or privilege, and acting in such assumed capacity, constitutes this offense. The topic further deals with the prosecution of such acts as a public offense. False personation as an element in other offenses will be considered under such topics as FALSE PRETENSES, FORGERY, LARCENY.

FALSE PRETENSES.

This topic includes fraudulently obtaining or attempting to obtain from another personal property, or the making or indorsement by him of a negotiable instrument, or the execution of any instrument in writing, or any benefit or advantage, by false tokens or representations. It further includes the prosecution of such acts as public offenses. Fraud not involving use of false tokens or representations will be considered under FRAUD, and personation of another under FALSE PERSONATION. The forgery of instruments in writing and uttering such forged instruments will be found under FORGERY, and making and passing counterfeit coins and other money will be found under COUNTERFEITING.

FENCES.

Structures for inclosing lands in general, and statutory provisions and legal proceedings relating thereto, are included in this topic, together with the rights, duties, and liabilities of proprietors or occupants of lands in respect of such structures. Questions relating to fences as indicating boundaries are considered under BOUNDARIES, and those relating to fencing railroads under RAILROADS. The necessity and duty of fencing excavations and dangerous premises or machinery, and liabilities for failure to do so, will be considered under MASTER AND SERVANT, MINES AND MINERALS, NEGLIGENCE.

FERRIES.

This topic deals with the establishment, maintenance, and use of ferries for the passage of the public over inland waters, subject to payment of tolls. Matters applicable to corporations in general will

be found under CORPORATIONS. Powers of municipalities to grant and regulate ferry franchises are considered under MUNICIPAL CORPORATIONS. The exercise of the power of eminent domain will be found under EMINENT DOMAIN. The obstruction of navigation goes to NAVIGABLE WATERS, and the taxation of ferries to TAXATION.

FINDING LOST GOODS.

The finding and taking possession of lost goods of another, whereby the finder may acquire title thereto, is considered under this topic, together with the rights, duties, and liabilities of the finder. The rights concerning abandoned property will be found under ABANDONMENT, and those connected with wrecks and vessels and goods derelict at sea under SHIPPING. Questions relating to estrays will be considered under ANIMALS. The establishment of and actions on lost instruments in writing will be considered under LOST INSTRUMENTS. Rights of finders of lost negotiable paper are treated under BILLS AND NOTES. Rewards for recovery of lost goods and sales of lost goods are considered under REWARDS, SALES.

FINES.

Pecuniary punishments imposed by sentence of courts on conviction of crime are embraced in this topic, together with the proceedings for the enforcement of fines, review of proceedings, and costs in such proceedings. Penalties recoverable by actions for violation of statutes are under PENALTIES. Penalties and fines for particular offenses are considered under specific heads relating to such offenses. Punishment of contempt of court by fine is under CONTEMPT, and effect of pardon and commutation of sentence under PARDON.

FIRES.

This topic includes the burning or setting fire to property, other than buildings and similar structures and their contents, refusing to aid in or obstructing extinguishment of fires, and prosecution of such acts as public offenses. Liabilities for injuries from fire caused by negligence are included in the topic NEGLIGENCE.

FISH.

Questions relating to animals inhabiting only the water are considered under this topic, together with regulations for their preservation, and nature and incidents of rights of fishery. The offense of fishing on Sunday is treated under SUNDAY.

FIXTURES.

Under this topic are grouped decisions with reference to chattels affixed or annexed to real property, and the rights and liabilities in

respect to such fixtures incident to or affected by particular estates or interests in the realty. The distinction between real and personal property in general will be found treated under PROPERTY.

FOOD.

This topic deals with the regulation of manufacture, sale or use of articles of food or drink, and of substitutes and imitations thereof; the rights of property and traffic in unwholesome or adulterated articles used as food, and the liabilities for injuries from the sale or use thereof. Violations of laws relating to such articles and prosecution thereof as public offenses also fall within the scope of the topic. Questions relating to the manufacture, sale, or use of medicines will be considered under DRUGGISTS, those relating to intoxicants under INTOXICATING LIQUORS, and those relating to poisons under POISONS. Regulations regarding commodities as articles of commerce, more particularly as to commerce between the states and with foreign countries, will be found under COMMERCE. Inspection for prevention of fraud or commercial purposes is considered under INSPECTION, and adulteration as a public offense is included under the topic ADULTERATION.

FORCIBLE ENTRY AND DETAINER.

This topic includes violently taking or retaining possession of property, with threats, force, or arms, against the will of another entitled to its possession, and without authority of law. It also includes remedies for recovery of possession, and prosecution of the acts constituting the offense as a public offense. Questions relating to mere trespass will be found under the topic TRESPASS. Summary remedies for recovery of possession of lands demised are treated under LANDLORD AND TENANT, and of lands mortgaged under MORTGAGES, and of lands sold under VENDOR AND PURCHASER.

FORFEITURES.

This topic deals with the loss of specific property, real or personal, as punishment for violation of law, proceedings for condemnation of property as forfeited, review of such proceedings and costs therein, rights of informers and disposition of property forfeited. Pecuniary punishments are excluded and will be found under PENALTIES, FINES. Forfeiture of property or estates therein, or rights under contracts for breaches of private duties or obligations, will be found under ESTATES, LANDLORD AND TENANT, DEEDS, CONTRACTS, INSURANCE, and other specific heads. Actions relating to the forfeiture of franchises, corporate charters, stock, etc., are considered under FRANCHISES, CORPORATIONS. Particular offenses as grounds of forfeiture are considered under FOOD, INTOXICATING LIQUORS, CUSTOMS DUTIES, INTERNAL REVENUE, and

other specific heads. Seizure for enforcement of forfeitures will be found under SEARCHES AND SEIZURES, and forfeiture of bail bonds, recognizances, etc., will be found under BAIL, RECOGNIZANCES.

FORGERY.

This offense includes falsely and fraudulently making or materially altering instruments in writing other than circulating notes issued as money, or other government obligations or securities, uttering such forged instruments, and the prosecution of such acts as public offenses. The effect of alteration of instruments in writing in general is considered under ALTERATION OF INSTRUMENTS. The rights and liabilities of banks paying or discounting forged or altered paper is treated under BANKS AND BANKING, and of parties to and holders of forged or altered promissory notes, bills of exchange or checks, under BILLS AND NOTES. Rights and liabilities under forged bonds will be considered under BONDS, and other particular classes of instruments under the specific heads relating to such instruments. Questions relating to counterfeiting coin or other money or government securities will be found under COUNTERFEITING.

FORNICATION.

This offense consists in the sexual intercourse of unmarried persons not constituting or not regarded as an element in any other distinct offense, and the topic further includes the prosecution of such acts as public offenses. Offenses in which fornication is an element merely, are considered under such heads as ADULTERY, LEWDNESS, SEDUCTION, and other specific heads.

FRANCHISES.

This topic deals with the nature and incidents of special rights, privileges, and powers, which can be exercised legally only under a grant from the government, and the exercise and protection of franchises in general. The validity of grants of exclusive privileges will be considered under MONOPOLIES. Questions relating to corporate franchises are considered under CORPORATIONS, and franchises necessary or incident to particular kinds of business or occupations will be treated under the specific heads dealing with the particular kind of business or occupation involved.

FRAUD.

Under this topic is considered the deception or perversion of the truth by statements, acts, or omissions intended or operating to injure another by depriving him of any property or right, or obtaining any promise or unlawful or unfair advantage not constituting or not regarded as a tort or offense of any distinct class. The topic also

includes actions for deceit and for damages for fraud, and prosecution of fraud as a public offense. Fraud in transactions between persons in particular personal relations will be treated under such heads as HUSBAND AND WIFE, ATTORNEY AND CLIENT, PRINCIPAL AND AGENT. The effect of fraud on conveyances, contracts, and other transactions will be found under DEEDS, MORTGAGES, CONTRACTS, BONDS, BILLS AND NOTES, INSURANCE, and other specific heads. Fraud as ground for cancellation, surrender, rescission, or reformation of instruments in writing is treated under CANCELLATION OF INSTRUMENTS, REFORMATION OF INSTRUMENTS. Conveyances fraudulent as to creditors or subsequent purchasers will be found under FRAUDULENT CONVEYANCES. The requirements and operation of statute of frauds are considered under FRAUDS, STATUTE OF. The suspension of statutes of limitation on ground of fraud goes to LIMITATION OF ACTIONS. Fraud as ground for particular remedies in actions is considered under topics dealing particularly with those remedies, such as ARREST, ATTACHMENT, EXECUTION, DISCOVERY. Conspiracies to defraud are included under CONSPIRACY, and particular classes of offenses involving fraud under such topics as FALSE PERSONATION, FALSE PRETENSES, FORGERY, EMBEZZLEMENT.

FRAUDS, STATUTE OF.

This topic deals with statutory provisions making a writing necessary to the creation, assignment, or surrender of estates in land, the bringing of actions on promises, agreements, or representations, or the validity of contracts, the operation and effect of such provisions in general, pleading the statute, and evidence relating thereto. The necessity of writing to create trusts will be found under TRUSTS, and the necessity to bar statute of limitations under LIMITATION OF ACTIONS. Part performance of a contract on one part as ground for compelling performance on the other part will be treated under SPECIFIC PERFORMANCE.

FRAUDULENT CONVEYANCES.

Decisions relating to transfers of property and other transactions or proceedings, void as to creditors because intended or operating to delay, hinder, or defraud them, and conveyances void as to subsequent purchasers for inadequacy of consideration, reservation of power to revoke, etc., are included under this topic. Remedies of the parties and of creditors and subsequent purchasers, and criminal responsibility for such transfers, also fall within the scope of the topic. Transfers by husband or by wife, fraudulent as to the other, will be considered under HUSBAND AND WIFE, and transfers by partners fraudulent as to partnership or individual creditors, under PARTNERSHIP. Mortgages of personal property invalid as to creditors on

grounds other than fraud are under CHATTEL MORTGAGES. Fraud in assignments for benefit of creditors is treated under ASSIGNMENTS FOR BENEFIT OF CREDITORS. Transfers fraudulent under insolvent or bankrupt laws will be found under INSOLVENCY, BANKRUPTCY. Fraud in disposing of property as ground for arrest or attachment will be found under ARREST, ATTACHMENT. Proceedings by judgment creditors to subject property to their judgments supplementary to execution are considered under EXECUTION, but when those proceedings are by action they will be considered under CREDITORS' SUIT.

GAME.

Under this topic, questions relating to wild animals pursued for sport or profit and regulations for their preservation and nature and incidents of right to taking game are considered. Regulations relating to animals in general and the offense of cruelty to animals are considered under ANIMALS, and the offense of hunting on Sunday under SUNDAY.

GAMING.

Questions relating to wagers and other agreements to risk money or other property on the result of a contest, or the happening of any uncertain event, are considered under this topic. Keeping or frequenting houses or other places for gaming as public offenses, and civil and criminal liability for gaming, are also within the scope of the topic. Decisions relating to wager policies of insurance will be found under INSURANCE, and those relating to lotteries under LOTTERIES. The offense of gambling on Sunday is treated under SUNDAY.

GARNISHMENT.

The subjection of property of defendants in civil actions in possession of third persons, or of debts owing to such defendants, to payment of judgments recovered against them therein by process of garnishment, trustee process, factorizing, etc., will be found under this topic. Proceedings to obtain garnishment and determine liability thereon, and liabilities of persons other than officers for wrongfully procuring issuance of garnishment, also fall within the scope of the topic. Questions relating to the attachment of property in general are considered under ATTACHMENT, and proceedings against third persons supplementary to execution under EXECUTION. Garnishments in proceedings before justices of the peace go to JUSTICES OF THE PEACE. Exemptions from garnishment and protection of rights of exemptions will be found under EXEMPTIONS. Judgment and execution after garnishment are treated under JUDGMENT, and review of decisions in garnishment proceedings under APPEAL AND ERROR. The garnishment of property conveyed in fraud of

creditors is included in the topic FRAUDULENT CONVEYANCES. The effect on garnishments of proceedings under insolvent acts or bankrupt acts is considered under INSOLVENCY, BANKRUPTCY. The duties and liabilities of officers in respect of issuance or service of writs or summonses in garnishment proceedings are treated under CLERKS OF COURTS, SHERIFFS AND CONSTABLES, and titles of other specific officers.

GAS.

Questions relating to the regulation of the production, supply, and use of gas for illuminating, heating, and like purposes, obtained either from natural sources or by any process of manufacture, whether under franchises granted therefor or directly by municipalities, are considered under this topic, together with those relating to the rights, powers, duties, and liabilities of gas companies and of municipal corporations in respect of the supply of gas. Matters applicable to corporations generally will be sent to CORPORATIONS, and powers of municipal corporations to grant and regulate franchises and to make contracts with gas companies to MUNICIPAL CORPORATIONS. Exercise of the power of eminent domain falls within the scope of EMINENT DOMAIN, and the taxation of gas companies will be found under TAXATION. The rights and liabilities of owners of lands containing natural gas, gas wells, etc., leases thereof, and contracts relating thereto are considered under MINES AND MINERALS.

GIFTS.

A gift is a voluntary transfer of property without consideration whether executed or to take effect on the death of the giver, and the topic further includes the acceptance and revocation of the gift and the rights and liabilities of parties as between themselves and as to others in general. The effect of particular, personal, or confidential relations will be considered under such topics as HUSBAND AND WIFE, PARENT AND CHILD, GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, ATTORNEY AND CLIENT. The questions concerning the effect of want of consideration as to rights of creditors and subsequent purchasers fall within the scope of FRAUDULENT CONVEYANCES. Deeds of gift are included under the topic DEEDS, and taxation of gifts under TAXATION.

GOOD WILL.

The scope of this topic includes the nature and incidents of rights of property in the custom or patronage of an established business or trade in general and sales and other contracts relating thereto. Rights of partners in respect of the good will of the firm business will be considered under PARTNERSHIP, and contracts in restraint of trade under CONTRACTS.

GRAND JURY.

Decisions relating to bodies of persons sworn to inquire into and make presentment of public offenses are included in this topic. The topic also includes matters relating to the organization, proceedings, and powers of grand juries, liabilities of grand jurors for misconduct, and liabilities of others for interference with grand juries. Matters relating to juries in general will be found under JURY, and necessity, finding, filing, and requisites of indictments and presentments under INDICTMENT AND INFORMATION.

GROUND RENTS.

This topic deals with the nature and incidents of rents reserved in consideration of the conveyance of land in fee, and remedies relating thereto. Rent charges will be found under ESTATES, and rents reserved in leases under LANDLORD AND TENANT.

GUARANTY.

Questions relating to collateral promises to answer for the payment of a debt or performance of a duty or contract or other obligation by another liable therefor in the first instance, in the event of his failure to pay or perform the same, and to the rights, liabilities, and remedies of guarantors, principal debtors, and creditors, fall within the scope of this topic. Contracts of suretyship will be found under PRINCIPAL AND SURETY, and of indemnity under INDEMNITY. Guaranties by particular classes of persons will be considered under such topics as INFANTS, INSANE PERSONS, PARTNERSHIP, CORPORATIONS, and other specific heads. The requirements of statute of frauds will be found under FRAUDS, STATUTE OF.

GUARDIAN AND WARD.

This topic includes general guardianship, particularly of the persons and estates of infants, by nature or under parental or judicial appointment, and legal proceedings relating thereto. The guardianship of insane or otherwise incompetent persons will be considered under INSANE PERSONS, DRUNKARDS, SPENDTHRIFTS. Questions relating to guardians ad litem and special guardians will be considered under INFANTS, INSANE PERSONS, and other specific heads. Matters relating to infants and their property irrespective of guardianship will be found under INFANTS.

HABEAS CORPUS.

Under this title will be found decisions relating to writs of habeas corpus commanding the production of a person detained by another, with the cause of such detention, for determination thereof. The

topic also includes relief incidental to habeas corpus, review of proceedings, costs therein, and suspension of the remedy. Writs of habeas corpus for production of prisoners to testify as witnesses are included in the topic WITNESSES. Writs for such purposes other than deliverance from restraint will be found under specific heads dealing particularly with such purposes. Conflicting jurisdiction of particular courts will be considered under COURTS.

HAWKERS AND PEDDLERS.

This topic deals with the regulation of persons going from place to place selling or exchanging goods which they carry with them or themselves deliver. Sales by traveling salesmen are included in the topics PRINCIPAL AND AGENT, SALES, and the regulation of commerce is considered under COMMERCE.

HEALTH.

The protection of the public from disease or danger to life in general and the violations of health laws and prosecution thereof as public offenses fall within the scope of this topic. Questions relating to unwholesome or adulterated foods are considered under FOOD, ADULTERATION; those relating to medicines, under DRUGGISTS; those relating to intoxicants, under INTOXICATING LIQUORS; and those relating to poisons, under POISONS. Nuisances as affecting individual rights, liabilities for injuries to the health of individuals, and criminal prosecutions for maintaining nuisances fall within the scope of NUISANCE; and special protection of the health of children will be considered under INFANTS; and the protection of employés, under MASTER AND SERVANT.

HIGHWAYS.

This topic includes within its scope questions relating to roads open for free passage to the public, established for public benefit; the nature and scope of power to establish and maintain such roads in general; the appointment and removal, rights, powers, duties, and liabilities of highway boards; the establishment, construction, and repair of such roads, and their use; and the liabilities from defects therein. Matters relating to the title to and rights in land occupied, and violations of the law of the road causing collisions, are also included. Streets in unincorporated cities will be found under MUNICIPAL CORPORATIONS, and roads established by public authority for accommodation of private persons, under PRIVATE ROADS. Questions relating to roads for passage over which tolls are taken are considered under TURNPIKES AND TOLL ROADS. Decisions relating to bridges will be found under BRIDGES, and those relating to dedication of lands to public use as highways under DEDICATION. The exercise of power of eminent domain falls with-

in the scope of EMINENT DOMAIN, and railways on or crossing highways are included under RAILROADS, STREET RAILROADS. Highways as boundaries are treated under BOUNDARIES.

HOLIDAYS.

This topic deals with the days designated by law other than Sunday for suspension of ordinary business or judicial or other official proceedings, the effect of violations of laws relating thereto and rights and remedies of persons violating the same. Restrictions on grounds other than the character of the day, such as regulation of sale of intoxicants, will be found under INTOXICATING LIQUORS, and omission of holiday in computation of time under TIME.

HOMESTEAD.

The exemption from forced sale for payment of debts of real property of debtors, as constituting the family residence, is considered under this topic, together with the protection and enforcement of the right. Exemption from forced sale of property of debtors in general is under EXEMPTIONS. The rights of a widow in real property of her deceased husband are considered under DOWER, and the acquisition of public lands under homestead laws under PUBLIC LANDS.

HOMICIDE.

This topic includes killing a human being, aiding in, attempting, or soliciting such killing, assaults with intent to kill, and the prosecution of such acts as public offenses. Killing one's self will be found under SUICIDE, and conspiracy to kill under CONSPIRACY. Questions relating to right to bail will be found under BAIL, and those relating to actions for damages for causing death under DEATH.

HOSPITALS.

Included in this topic are institutions for cure or relief of sick, wounded, or infirm persons, whether founded or maintained by private means or in part or wholly by government, their establishment and maintenance, and the rights, duties, powers, and liabilities of managers and other officers. The powers of unincorporated cities, towns, etc., in respect to the establishment and maintenance of hospitals, will be found under MUNICIPAL CORPORATIONS, and questions relating to hospitals regarded as charitable institutions will be considered under CHARITIES.

HUSBAND AND WIFE.

This topic includes within its scope the marital relations, rights, powers, duties, and liability of married persons as between themselves and as to others incident to the existence of the relation, or arising from conveyances and agreements in consideration or in con-

sequence of marriage, the disabilities and privileges of married women by reason of their coverture, and protection of their persons and property. Legal proceedings affecting husbands and wives and their property are also included. Contracts to marry are considered under BREACH OF MARRIAGE PROMISE, and contracts to procure marriage or in restraint of marriage under CONTRACTS. Questions relating to marriage and annulment thereof are considered under MARRIAGE; those relating to divorce and judicial separation under DIVORCE. Rights of dower will be found under DOWER, and of curtesy under CURTESY, and of homestead under HOMESTEAD. Testamentary capacity of married women goes to WILLS, and the competency of husband and wife as witnesses for or against each other is considered under WITNESSES. The offenses of adultery and bigamy are under ADULTERY, BIGAMY.

IMPROVEMENTS.

This topic deals with the rights and liabilities arising from making of improvements on real property by others than the owners of the soil. Allowances and other remedies in respect of such improvements under occupying claimants' acts or otherwise, in particular classes of actions, will be found under EJECTMENT, TRESPASS TO TRY TITLE, PARTITION, and other specific heads.

INCEST.

This offense consists in sexual intercourse between persons related to each other within such degrees that marriage between them is prohibited by law, and the topic further includes the prosecution of such acts as public offenses.

INDEMNITY.

This topic includes contracts to make good or compensate for loss or damage sustained or anticipated, from acts or omissions of others as well as those of the person indemnified, or to protect against claims of or liabilities to third persons, and rights, liabilities, and remedies of the parties. Contracts of guaranty fall within the scope of GUARANTY, and those of insurance will be found under INSURANCE. Indemnity mortgages are considered under MORTGAGES, CHATTEL MORTGAGES. The rights of particular classes of persons or officers to demand indemnity, and matters relating only to indemnity given to any of them, will be found under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, TRUSTS, OFFICERS, SHERIFFS AND CONSTABLES, and other specific heads. Contracts of indemnity by particular classes of persons fall within the scope of such topics as INFANTS, INSANE PERSONS, PARTNERSHIP, CORPORATIONS. The requirements of statute of frauds will be found under FRAUDS, STATUTE OF.

INDIANS.

The rights and disabilities in general of persons wholly or partly of Indian blood are included in this topic, together with the protection and regulation of such persons and government of the Indian country and of Indian reservations. Marriages between Indians, or between Indians and persons of other races, will be found under MARRIAGE, and titles of lands derived from Indians under PUBLIC LANDS.

INDICTMENT AND INFORMATION.

Under this topic are included formal written accusations of public offenses presented by grand juries or preferred by prosecuting officers, whether in form of indictment, presentment, information, or complaint, variance between averments and proof, and conviction of offense included in that charged. Preliminary complaints in criminal cases and proceedings thereon before indictment are found under CRIMINAL LAW. The organization of and inquisitions by grand juries are included in the topic GRAND JURY. Accusations of particular offenses and proceedings thereon will be found under the specific heads relating to such offenses. The arraignment and pleas to indictments and trial thereof will be found under CRIMINAL LAW, together with the review of proceedings thereon.

INFANTS.

Questions relating to persons not of full age, their rights and disabilities in general, judicial control and protection of their persons and property, and legal proceedings affecting them, fall within the scope of this topic. Matters peculiar to particular personal relations will be found under PARENT AND CHILD, GUARDIAN AND WARD, MASTER AND SERVANT, and other specific heads. The marriage of infants is considered under MARRIAGE, their testamentary capacity under WILLS, their competency as witnesses under WITNESSES. The effect of disability on running of statute of limitations will be found under LIMITATION OF ACTIONS. Questions relating to the care of pauper children will be found under PAUPERS; those concerning asylums for orphans and indigent children, under ASYLUMS; the sale of intoxicating liquors to minors, under INTOXICATING LIQUORS; and the particular wrongs and offenses of which infants are the subjects are treated under the specific heads dealing particularly with such wrongs and offenses.

INJUNCTION.

This topic deals with judicial prohibitions to parties in civil actions by writ, order, or judgment thereon against doing or refraining from doing particular acts or things, granted as provisional, interlocutory, or final relief; award of damages incident to relief by injunction; liabilities on and enforcement of securities given to ob-

tain or discharge injunction; and liability of persons other than officers for wrongful procuring, issuance, or enforcement of injunctions. Questions relating to jurisdiction of and proceedings in equity in general are considered under EQUITY. Injunctions in actions involving particular subjects of equitable jurisdiction will be found under such heads as PARTNERSHIP, TRUSTS, and other specific heads. Injunctions in actions affecting particular kinds of property will be found under topics dealing particularly with such kinds of property, as MINES AND MINERALS, WATERS AND WATER COURSES, PATENTS. Injunctions which are merely incident to other remedies will be considered under the heads which deal with such remedies. Restraining enforcement of judgment is within the scope of JUDGMENT. Jurisdiction in regard to injunctions of particular courts is under COURTS, and review of decisions relating to injunctions is under APPEAL AND ERROR. Proceedings in cases of contempt in general will be considered under CONTEMPT.

INNKEEPERS.

The regulation of inns, hotels, boarding houses, lodging houses, and all houses furnishing, for compensation, accommodation as a temporary home, is within the scope of this topic, together with the duties, rights, and liabilities of the keepers of such houses and their guests, boarders, and lodgers. The regulation of sale of intoxicating liquors will be found under INTOXICATING LIQUORS, and discriminations by reason of race, color, etc., will, be found under CIVIL RIGHTS.

INSANE PERSONS.

Included in this topic are questions relating to persons affected by mental incapacity of any kind not merely temporary in its nature; the evidence of such incapacity and the rights and disabilities of such persons in general; and legal proceedings affecting them. Temporary mental disability to execute particular contracts, conveyances, and wills will be found under CONTRACTS, DEEDS, WILLS. The competency of insane persons as witnesses is considered under WITNESSES. The effect of disability on running of statute of limitations will be found under LIMITATION OF ACTIONS. Questions relating to insane paupers will be considered under PAUPERS; those relating to asylums for the insane under ASYLUMS. Insanity at the time of commission of an offense as a defense in a prosecution therefor falls within the scope of CRIMINAL LAW.

INSOLVENCY.

This topic treats of the administration of estates of insolvents under local laws for the purpose of distribution of the assets among creditors, and discharge of the insolvents from liability for their debts, and procedure therein. The administration of insolvent estates of de-

cedents will be found under EXECUTORS AND ADMINISTRATORS. The voluntary assignments by debtors for benefit of their creditors fall within the scope of ASSIGNMENTS FOR BENEFIT OF CREDITORS. Questions relating to bankruptcy under general bankrupt laws are considered under BANKRUPTCY. The organization of courts having jurisdiction over proceedings in insolvency will be found under COURTS.

INSPECTION.

This topic deals with the examination and certification of quality of articles of merchandise by public authority to determine and assure their fitness for use, commerce, etc., in general, and more particularly for prevention of fraud, and proceedings for the application and enforcement of inspection laws. The powers of municipalities in respect of such inspection will be found under MUNICIPAL CORPORATIONS, and regulations for protection of public health in general under HEALTH. The regulations for securing wholesomeness and purity of articles of food will be found under FOOD, ADULTERATION. The discovery and inspection of writings relating to a cause of action or evidence thereof will be found under DISCOVERY. Questions relating to physical examination of injured persons in assessing damages for the injury are considered under DAMAGES, and inspection or view by jury will be found under TRIAL.

INSURANCE.

The scope of this topic embraces the regulation and conduct of the business of insurance, in every form, by individual underwriters or corporations, mutual or co-operative associations, and insurance agents or brokers; and rights, liabilities, and remedies incident to contracts of insurance. Questions relating to associations for mutual benefit, otherwise than by insurance, are considered under BENEFICIAL ASSOCIATIONS. Rights and liabilities arising from burning property to defraud insurers will be found under ARSON, FIRES. Taxation of capital stock or property of insurance companies falls within the scope of TAXATION.

INSURRECTION.

This topic deals with the rising of a number of persons against civil authority for the purpose of preventing, by force, the execution of the law, or of forcibly overthrowing the government, and raising or attempting to raise seditious commotions for such purposes, although without open violence, and prosecution of acts of insurrection not constituting treason as public offenses. Questions relating to the suppression of insurrection by military power, effect of civil war, rights of insurgents, as belligerents, and measures and acts in exercise of war powers, as confiscation, blockade, and other restric-

tions on commercial intercourse, prize, etc., are considered under WAR. The effect of insurrection, rebellion, or civil war on status, rights, and powers of insurrectionary states falls within the scope of STATES. Acts of treason by individuals are considered under TREASON, and seditious and treasonable conspiracies under CONSPIRACY. Mutiny against military or individual authority will be considered under ARMY AND NAVY, and, if it is against the authority of commander of a merchant vessel, it will be found under SEAMEN.

INTEREST.

This topic deals with the compensation for use, forbearance, or detention of money and rights and liabilities in respect thereof in general; the rate fixed by parties or allowed by law, and mode of computation. The rights and liabilities of persons acting in fiduciary or other special relations will be found under such topics as GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, TRUSTS. Interest on particular classes of liabilities will be considered under specific topics dealing with such liabilities. Interest as an element of damages will be found under DAMAGES, and interest at a rate greater than that allowed by law under USURY.

INTERNAL REVENUE.

Under this topic are grouped decisions relating to taxes imposed by act of Congress, other than duties on imports or exports; the power to impose such taxes; constitutional and statutory provisions relating thereto; the assessment and collection of such taxes; remedies for erroneous taxation; and punishments for violation of internal revenue laws. Licenses under state laws in general will be found under LICENSES, and the license of particular occupations for the purpose of regulation thereof will be found under INTOXICATING LIQUORS and titles of particular occupations.

INTERNATIONAL LAW.

This topic deals with the customary law recognized by civilized nations, as regulating their mutual relations and intercourse, more particularly in time of peace; its sources, principles, and rules, and its application in general. The rights and disabilities of aliens will be considered under the topic ALIENS. Application in one country of the law of another in respect of acts done or rights arising or remedies pursued under it, in cases of conflict of their laws, will be found under the titles of specific subjects in relation to which the question of such application arises. Treaties and conventions between nations are included in the topics TREATIES, EXTRADITION. Questions relating to diplomatic officers are considered under AMBASSADORS AND CONSULS, and breaches of neutrality and

other hostile acts by private persons under NEUTRALITY LAWS. The suppression of piracy is within the scope of PIRACY, and the suppression of the slave trade falls under SLAVES. The rules applicable to declaration, existence, and prosecution of war, and rights of belligerents and neutrals, will be considered under WAR.

INTERPLEADER.

Included in this topic are remedies for protection of persons holding property or liable for debts, the right to which is in controversy between others, by compelling such claimants to litigate their rights between themselves; more particularly bills of interpleader, actions for interpleader, and rules or orders for substitution of one such claimant as defendant in an action brought by the other. The topic also includes the procedure, review of proceedings, and costs therein. Interpleader incidental to other remedies is excluded, and will be found under the remedies invoked, such as ATTACHMENT, EXECUTION. Intervention and substitution of parties in actions in general will be found under PARTIES.

INTOXICATING LIQUORS.

The regulation and prohibition of manufacture, sale, or use of intoxicating liquors are within the scope of this topic, together with the rights of property, and traffic in such liquors, liabilities for injuries from the sale or use thereof, the prevention of unlawful dealings therein and violations of liquor laws, and prosecution and punishment thereof as public offenses. Regulations regarding liquors as articles of commerce, more particularly as to commerce between the states, with foreign countries, etc., will be considered under COMMERCE. The introduction of liquor into the Indian country and sale to Indians is considered under the topic INDIANS. The inspection for prevention of fraud or commercial purposes will be found under INSPECTION, and adulteration as a public offense under ADULTERATION.

JOINT ADVENTURES.

This topic deals with the union, as parties of the same part, in any contract or transaction, of two or more persons, not otherwise joined in interest, and their rights and liabilities arising therefrom as between themselves in general. Questions relating to partnerships will be considered under PARTNERSHIP; those relating to joint estates under JOINT TENANCY, TENANCY IN COMMON. The rights and liabilities of coexecutors, administrators, guardians, and trustees will be considered under EXECUTORS AND ADMINISTRATORS, GUARDIAN AND WARD, TRUSTS. The operation and effect of joint contracts and obligation as between parties of different parts thereto will be found under CONTRACTS and titles of particular classes of contracts. The release of joint debtors goes

to RELEASE. The liabilities of joint wrongdoers will be found under TORTS, of conspirators under CONSPIRACY, and of joint offenders in general under CRIMINAL LAW.

JOINT-STOCK COMPANIES.

Included in this topic are unincorporated companies formed for purposes of profit and having a capital stock divided into transferable shares, and legal proceedings for the enforcement of rights incident to the existence of the company. Matters relating to unincorporated associations in general will be found under ASSOCIATIONS, and companies formed for a particular purpose or business will be found under the specific head which deals with such purpose or business.

JOINT TENANCY.

The nature and incidents of the joint estate of two or more persons in property acquired and held by them by grant or disseisin, or in a manner otherwise than by descent, at the time and in virtue of the same title, interest, and possession, are within the scope of this topic, together with the abolition of the distinction between joint tenancy and tenancy in common and its effect; actions or other proceedings between, by, or against joint tenants, and the severance of the tenancy otherwise than by partition. The seisin of husband and wife by entireties will be found under HUSBAND AND WIFE. Questions concerning coparcenary will be considered under TENANTS IN COMMON, and those concerning partition of joint property under PARTITION.

JUDGES.

Included in this topic are questions relating to public officers authorized to proceed in the courts and administer law therein, whether designated as judges, justices, chancellors, surrogates, or by other titles. Questions relating to justices of the peace are considered under JUSTICES OF THE PEACE, and those relating to members of courts-martial under MILITIA, ARMY AND NAVY, WAR. The respective functions of judges and jury are considered under TRIAL.

JUDGMENT.

Included in this topic are the judicial determinations of rights of parties to proceedings in courts of justice in general, interlocutory as well as final; the rendition, entry, requisites, and validity of formal judgments; more particularly of judgments in civil actions and amendment and correction thereof. The topic further includes the operation and effect of judgments; direct attacks on judgments by motions in arrest, or to open, vacate, or by actions to set aside or restrain the enforcement of judgments, or for other relief against them on equitable grounds; revival of judgments by scire facias, mo-

tion, etc., and enforcement of judgments by actions. Judgments for or against the different classes of persons will be found under such topics as INFANTS, EXECUTORS AND ADMINISTRATORS. Judgments in particular forms of action, or on particular causes, or in proceedings other than actions, will be found under the specific heads relating to such actions or proceedings. Orders incident to proceedings in actions are included in MOTIONS. Motions for judgments on pleadings will be found under PLEADING; decrees and orders in suits in equity under EQUITY; and those in suits in admiralty under ADMIRALTY. Proceedings in probate courts will be found under COURTS, WILLS; and those under insolvent acts under INSOLVENCY; and those under bankrupt acts under BANKRUPTCY. Sentences in criminal cases are treated under CRIMINAL LAW, and titles of particular classes of crimes. Judgments of justices of the peace will be found under the topic JUSTICES OF THE PEACE, and enforcement of judgments by particular classes of writs or proceedings under EXECUTION, GARNISHMENT, and other specific heads. Proceedings for review of judgments and judgment therein will be found under APPEAL AND ERROR, CERTIORARI, and other titles of particular proceedings. Relief against judgments by stay of execution is under EXECUTION; by supersedeas is under SUPERSEDEAS; under insolvent acts will be found under INSOLVENCY; and under bankrupt acts under BANKRUPTCY.

JUDICIAL SALES.

This topic deals with sales under orders or judgments of courts in general; the manner, conduct, validity, and effect of such sales; confirming or vacating; setting aside the sale, and resale; conveyance to purchasers, and title, rights, and liabilities of purchasers at such sales, and redemption therefrom. Sales in particular classes of proceedings or under particular writs will be found under such topics as INFANTS, GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, MORTGAGES, ATTACHMENT, EXECUTION, RECEIVERS, PARTITION, INSOLVENCY, BANKRUPTCY, TAXATION.

JURY.

Under this topic are considered questions relating to bodies of persons sworn to inquire into matters of fact in judicial proceedings; more particularly petit juries or trial juries, selected and sworn to try issues of fact in civil or criminal proceedings on the evidence presented; the right to trial by jury and waiver thereof in general. The constitution of grand juries, and qualifications, selection, summoning, compensation, and proceedings of grand jurors, will be found under GRAND JURY, INDICTMENT AND INFORMATION. The exclusion from a jury by reason of race or color is treated under CIVIL RIGHTS. Proceedings at trials by jury, province of court and jury, and instructions to jury, and finding, entry, and

effect of verdict in civil cases, will be found under TRIAL, and titles of particular forms and causes of actions; and those in criminal prosecutions, under CRIMINAL LAW, and titles of particular crimes. Misconduct of or affecting jury as ground for new trial of civil cases is treated under NEW TRIAL; and as ground for reversal of judgment on verdict, under APPEAL AND ERROR; and as ground for new trial or reversal of conviction in criminal cases, under CRIMINAL LAW.

JUSTICES OF THE PEACE.

This topic deals with inferior judicial officers authorized to act as conservators of the peace, with subordinate judicial powers within limited districts. It further deals with the appointment, qualification, tenure, and removal of such officers and ex officio and de facto justices of the peace, their jurisdiction and powers, proceedings before them in general and review thereof, and their rights, duties, and liabilities, together with their liabilities on official bonds. Justices of the peace as members of courts of record fall within the scope of COURTS. Particular proceedings in exercise of preventive and provisional jurisdiction will be found under such special topics as BASTARDS, BREACH OF THE PEACE, CRIMINAL LAW, ARREST, BAIL, SEARCHES AND SEIZURES. Questions relating to administering oaths will be found under OATH; taking depositions under DEPOSITIONS; and those relating to affidavits and acknowledgments or proof of deeds will be found under AFFIDAVITS, ACKNOWLEDGMENTS. Questions relating to solemnizing marriages will be considered under MARRIAGE; and other ex officio functions of a justice of the peace will be considered under specific heads relating to such functions.

KIDNAPPING.

The scope of this topic includes taking by force or fraud, enticing away or detaining another person, more particularly a child, for the the purpose of secretly confining or concealing such person, or removing him to another state or country, attempts to commit such offenses and aiding therein, and the prosecution of such acts as public offenses. Questions concerning the offense of false imprisonment will be considered under FALSE IMPRISONMENT, and those relating to the abduction of a female for purpose of marriage or defilement under ABDUCTION.

LANDLORD AND TENANT.

This topic treats of the nature and incidents of estates for years and tenancies from year to year, at will, or at sufferance, together with leases and agreements for the occupation of real property in general; the relation between the parties thereto, and their rights and liabilities as between themselves, and as to others, incident to such relation; and remedies relating thereto. Leases of property of

particular classes of persons will be found under such topics as INFANTS, INSANE PERSONS, CORPORATIONS. Leases of particular species of property will be found under RAILROADS, MINES AND MINERALS, WATERS AND WATER COURSES, and other specific heads. Rent charges are considered under ESTATES, and ground rents under GROUND RENTS. Implied liabilities for use and occupation of real property fall within the scope of USE AND OCCUPATION.

LARCENY.

This topic deals with the taking and removing with intent to steal of personal property in possession, actual or constructive, of another, without force or intimidation, or any false personation or pretense, attempts to commit such offenses, and prosecution of such acts as public offenses. Theft or intent to steal as an element of other offenses will be considered under BURGLARY, ROBBERY. Embezzlement of money or goods by one having possession thereof is treated under EMBEZZLEMENT. Receiving stolen property is within the scope of RECEIVING STOLEN GOODS, and obtaining money or goods by false personation is found under FALSE PERSONATION. Obtaining money or property under false pretenses is treated under FALSE PRETENSES, and conviction of larceny on indictment for other offense under INDICTMENT AND INFORMATION.

LEVEES.

Under this topic are included decisions relating to embankments and other works constructed by public authority to protect lands from inundation, the nature and scope of power to establish and maintain such works, and the creation of levee districts, and appointment, rights, powers, duties, and liabilities of levee boards, together with the construction and maintenance of such works and local assessments therefor. The rights and liabilities of owners of land in respect of prevention of inundation, flowage, etc., in general are within the scope of WATERS AND WATER COURSES, and exercise of power of eminent domain will be found under EMINENT DOMAIN.

LEWDNESS.

This offense includes open or notorious fornication, adultery, or other lascivious acts or conduct, and open and continuous lascivious cohabitation or other conduct regarded as causing public scandal; and the topic further includes the prosecution of such acts or conduct as public offenses. Acts or conduct which are merely indecent are included within the scope of OBSCENITY; and specific offenses involved in such cohabitation or conduct will be found under the heads dealing specifically with such offenses as FORNICATION, ADULTERY, PROSTITUTION, DISORDERLY HOUSE.

LIBEL AND SLANDER.

This topic includes malicious defamation by words spoken, written, or printed, or by signs, pictures, etc., injurious to a person in his general reputation, or exposing a living person, or the memory of one deceased, to hatred, contempt, or ridicule, or prejudicial to a person in his profession, trade, occupation, employment, or office, or otherwise causing special damage or injury to one's interest in property, real or personal, or tending to provoke a breach of the peace. The topic further deals with actions for damages for such defamation, and prosecution thereof as a public offense. Questions relating to blasphemous and obscene libels are considered under BLASPHEMY, OBSCENITY.

LICENSES.

Questions relating to permission required by public authority for various occupations and pursuits, and registration, certification, etc., incident thereto, together with the fees for such licenses, certificate, or registration, and taxes imposed on privileges granted, or the occupations or exhibitions permitted, are considered under this topic. It also includes permission by owners of real property to persons who have no estate therein to do some act thereon. Licenses for occupations or acts, or for dealing in property subject to particular regulations, will be found under ATTORNEY AND CLIENT, PHYSICIANS AND SURGEONS, INNKEEPERS, INTOXICATING LIQUORS, THEATERS AND SHOWS, and other specific heads. Licenses under patents for inventions, copyrights, and trademarks are included within the scope of PATENTS, COPYRIGHTS, TRADE-MARKS AND TRADE-NAMES. The liabilities of owners or tenants of real property for injuries to licensees will be found under NEGLIGENCE, LANDLORD AND TENANT, RAILROADS.

LIENS.

This topic deals with the charges on specific property or its proceeds by way of security for payment of debts or performance of other acts, whether arising from contract or equity between the parties, or imposed by rule of law or statute, and whether depending on or independent of possession. It also includes priorities of liens, and the enforcement of liens in general. Liens peculiar to particular classes of personal relations, occupations, or transactions will be found under such heads as ATTORNEY AND CLIENT, BANKS AND BANKING, FACTORS, SALES, VENDOR AND PURCHASER. Liens peculiar to particular species of property are treated under RAILROADS, LOGS AND LOGGING, MECHANICS' LIENS, MARITIME LIENS, and other specific heads. Liens created by mortgage or pledge will be considered under MORTGAGES, CHATTEL MORTGAGES, PLEDGES. Liens acquired by enforcement of particular

remedies will be found under ATTACHMENT, LIS PENDENS, JUDGMENTS, EXECUTION, and other specific heads. Liens of taxes fall within the scope of TAXATION.

LIFE ESTATES.

Under this topic are treated the nature and incidents of estates not of inheritance, which are limited to or may possibly last during the life of the tenant or the life or lives of another or others, and are created by act of the parties. The construction of grants, devises, and bequests for life will be found under DEEDS, WILLS. Life estates by operation of law are considered under DOWER, CURTESY. The rights and liabilities of remaindermen and reversioners are within the scope of REMAINDERS, REVERSIONS. Remedies for waste are included in WASTE.

LIMITATION OF ACTIONS.

This topic deals with the statutory restrictions of the time within which actions may be brought; the application and general operation of such statutory provisions; the times of limitation prescribed for actions in general; when such times begin to run and postponement and interruption thereof; exceptions from and suspension of the operation of the statutes. The topic further includes the removal of statutory bar by a new promise, acknowledgment, part payment, etc.; pleading such limitations by way of defense and matters in avoidance of the bar thereof and evidence relating thereto. Adverse possession of property as an element or evidence of title is treated under ADVERSE POSSESSION. Presumption of payment from lapse of time will be found under PAYMENT; and limitations by agreement between parties under CONTRACTS, INSURANCE, CARRIERS, and titles of other classes of contracts. Limitations restricting particular rights or remedies created by statute are considered under ACTIONS, DEATH, and titles of particular statutory rights and remedies. Special limitations prescribed for actions by or against particular classes of persons, or for particular forms or kinds of actions, or other remedies, will be found under EXECUTORS AND ADMINISTRATORS, MECHANICS' LIENS, BANKRUPTCY, MUNICIPAL CORPORATIONS, TAXATION, and other specific heads. The operation and effect of statutory limitations and of lapse of time, laches, etc., in equity will be found under EQUITY; those relating to admiralty proceedings under ADMIRALTY. Limitations of criminal prosecutions will be considered under CRIMINAL LAW and titles of particular classes of crimes.

LIS PENDENS.

This topic includes the effect of pendency of actions to subject property involved therein to the power of the court during the continuance of the litigation, so that it shall abide the result. It also

includes a consideration of what property may be so subject; what constitutes pendency of a suit for such purpose; necessity of notice, and requisites and sufficiency of notices of pendency of action and filing and service thereof. Notice of pendency of actions for particular forms of relief will be found under the topics dealing especially with such forms of relief, as PARTITION, MORTGAGES, MECHANICS' LIENS. The defense of pendency of another action will be found under ABATEMENT AND REVIVAL, PLEADING.

LITERARY PROPERTY.

Included in this topic are the nature and incidents of the exclusive right of an author in respect of his literary works or other intellectual productions, and the publication or other use or disposition thereof, independent of statutes conferring copyrights, and remedies for infringement. Questions relating to copyrights are considered under COPYRIGHTS.

LIVERY STABLE KEEPERS.

The regulation and conduct of the business of stabling, feeding, and caring for horses for compensation, or of keeping horses and vehicles for hire, are included in this topic, together with the mutual rights, duties, and liabilities of keepers of such stables and those dealing with them. Contracts of agistment will be found under the topic ANIMALS.

LOGS AND LOGGING.

Questions relating to cut timber, and nature and incidents of rights of property therein, together with the regulation of the cutting, marking, driving or floating, scaling or other measurement, manufacture into lumber and sale of logs, and contracts, liens, and mortgages relating thereto, are included within the scope of this topic. The obstruction of navigation by booms, rafts, etc., will be found under NAVIGABLE WATERS; and injuries to riparian proprietors by floating logs, under NAVIGABLE WATERS, WATERS AND WATER COURSES.

LOST INSTRUMENTS.

This topic deals with instruments in writing lost or destroyed, proceedings to restore, establish, or recover on such instruments, and indemnity as a condition thereof. Rights and liabilities of finders of lost instruments in general are considered under FINDING LOST GOODS, and finders of lost negotiable paper under BILLS AND NOTES. The rights and liabilities of banks in respect of lost negotiable paper are included under the topic BANKS AND BANKING; the probate of lost wills goes to WILLS; the restoration or establishment of lost or destroyed records will be found under RECORDS; and secondary evidence of contents of lost writings is treated under EVIDENCE.

LOTTERIES.

This topic treats of schemes for distribution of prizes by lot or chance among purchasers of shares therein, or chances to obtain a prize, together with grants and operation of lottery franchises and privileges; management and regulation of lotteries, whether conducted under such franchises or directly by the government; the rights and liabilities of owners or managers and of purchasers or holders of shares, tickets, or chances; and the prosecution for unlawfully conducting or advertising lotteries as public offenses, and liability therefor, civil and criminal. Matters relating to wagers and gaming will be found under GAMING, and mailing matter concerning lotteries is treated under POST OFFICE.

MALICIOUS MISCHIEF.

This topic treats of willful physical injury to or destruction of property in general, real or personal, from ill will, resentment towards the owner or possessor, or from mere wantonness, and prosecution of such acts as public offenses. Mere trespasses on real property will be found under TRESPASS, and injury to particular kinds of property under the topics dealing particularly with the kind of property involved, as PUBLIC LANDS, RAILROADS, ANIMALS. Questions relating to injuries by fire will be considered under ARSON, FIRES.

MALICIOUS PROSECUTION.

This topic treats of the institution of judicial proceedings, civil or criminal, against another, maliciously and without probable cause therefor, together with the justification or excuse for such prosecution, and liabilities and remedies therefor, civil or criminal. Attachment which is wrongful merely is included under ATTACHMENT, and questions of wrongful execution will be found under EXECUTION. Abuse of process by perverting it to an improper purpose will be treated under PROCESS.

MANDAMUS.

Writs of mandamus or of mandate commanding performance of specific acts by inferior courts or other tribunals, judges, boards, officers, or corporations, and actions in the nature of such writs, are included within the scope of this topic, together with review of proceedings and costs in such proceedings. Mandatory injunctions will be treated under INJUNCTION, and mandamus incidental to other remedies or proceedings will be found under APPEAL AND ERROR, EXCEPTIONS, BILL OF, and other specific heads. Mandates to lower courts on decisions of appeals will be found under APPEAL AND ERROR, and conflicting jurisdiction of particular courts under COURTS.

MANUFACTURES.

Questions relating to the promotion and regulation of manufacturing industries in general, public aid and protection to those engaged therein, either individuals or manufacturing companies, and rights and remedies incidental thereto, are considered under this topic. Rights, powers, and liabilities of manufacturing corporations, their members and officers, analogous to those of corporations generally, will be found under CORPORATIONS. The exercise of the power of eminent domain will be found under EMINENT DOMAIN. Rights to the use of water and flowage are considered under WATERS AND WATER COURSES. The use of particular motive powers will be considered under STEAM, GAS, ELECTRICITY. Regulations for protection of public health and safety will be found under HEALTH; matters affecting the relation between employés and employers are dealt with under MASTER AND SERVANT; and licenses to manufacturers and their liability to mercantile taxes will be treated under LICENSES. Taxes on property used in manufactures and on property of manufacturing companies are included in the topic TAXATION.

MARITIME LIENS.

This topic treats of liens created by maritime law or by statute on vessels, more particularly such liens as security for the price or value of services rendered or supplies furnished to vessels, or for repayment of moneys advanced to them, and the enforcement of maritime liens in general. Liens for services incident to particular occupations will be treated under such topics as SEAMEN, PILOTS, TOWAGE, WHARVES. Questions relating to the lien of a master for wages will be considered under SHIPPING, and those relating to liens for salvage services under SALVAGE. Mortgages of vessels, bottomry, and respondentia will be found under SHIPPING, and mutual liens of vessel and cargo will also be considered under that topic. Liens for damages for injuries by collision will be found under COLLISION, and liens for other torts under SHIPPING. Jurisdiction and procedure in admiralty cases will be treated under ADMIRALTY.

MARRIAGE.

This topic treats of the marriage contract, and nature, creation, proof, and annulment of its obligation. Contracts to marry and breach thereof will be considered under BREACH OF MARRIAGE PROMISE. Contracts to procure marriage or in restraint of marriage are treated under CONTRACTS; and the relation of husband and wife, disabilities and privileges of coverture and separation by agreement, are included in the topic HUSBAND AND WIFE. Divorce and judicial separation are included in the topic DIVORCE, and the offenses of adultery and bigamy in the topics ADULTERY, BIGAMY.

MARSHALING ASSETS AND SECURITIES.

Included in this topic are actions to compel creditors who are entitled to enforce their claims against more than one fund or class of assets, while others can enforce their claims against one or a part thereof only, to exhaust first the funds or assets to which they alone can have recourse, and the enforcement, in general, of rights to such arrangement of assets, securities, etc., under administration, and of claims thereon by injunction, decree of subrogation, or otherwise. The topic also includes review of proceedings and costs incurred. Application of payments as between debtor and creditor will be found under PAYMENT, and application of the doctrine of marshaling in distribution of assets of partnerships will be found under PARTNERSHIP. The doctrine as applied to decedents' estates will be found under EXECUTORS AND ADMINISTRATORS, and as applied to property assigned for benefit of creditors under ASSIGNMENTS FOR BENEFIT OF CREDITORS. Questions relating to the application of the doctrine to estates of insolvents will be found under INSOLVENCY, and as relating to assets of bankrupts under BANKRUPTCY. Questions relating to the proceeds of sales on foreclosure will be considered under MORTGAGES, MECHANICS' LIENS, and those relating to proceedings in admiralty under ADMIRALTY.

MASTER AND SERVANT.

This topic treats of the relation created by contracts of employment, express or implied, and the rights, powers, duties, and liabilities of the parties as between themselves and as to others incident to the relation, and legal proceedings relating thereto. Contracts for specific work, not involving a hiring of services generally, will be found under CONTRACTS. Implied liability for services rendered not in performance of contract obligations or of the duties of any employment or other special relation are considered under WORK AND LABOR, ASSUMPSIT, ACTION OF; rights and liabilities on ground of agency fall within the scope of PRINCIPAL AND AGENT. Questions relating to apprenticeship are considered under APPRENTICES, and services of particular classes of persons, or of persons in particular personal relations or occupations, under such heads as INFANTS, HUSBAND AND WIFE, PARENT AND CHILD, ATTORNEY AND CLIENT, CARRIERS. Questions relating to the services of officers will be considered under OFFICERS.

MAYHEM.

The infliction of personal injuries which deprive one of any member or organ of his body or cause other permanent disability or disfigurement falls within the scope of this topic, together with attempts to maim and assaults with intent to maim, and prosecution of such

acts as public offenses. Aggravated assaults, wounding, etc., without maiming or attempt to maim, will be found under ASSAULT AND BATTERY.

MECHANICS' LIENS.

This topic deals with statutory liens on specific real property as security for the price or value of work performed or materials furnished for the erection, improvement, or repair of buildings or other structures on the property. The topic also includes proceedings to acquire and perfect such liens, bonds to secure against such liens, and proceedings to enforce such bonds, and to enforce the liens. Matters relating to liens in general, and particularly liens on personal property, will be found under LIENS. Liens on real property for work or material other than for building fall within the scope of such topics as RAILROADS, MINES AND MINERALS, IMPROVEMENTS. Liens on vessels for construction or repairs are included under MARITIME LIENS, and liens for wages in general under MASTER AND SERVANT.

MERCANTILE AGENCIES.

Under this topic will be found the regulation and conduct of the business of procuring and furnishing information as to the pecuniary condition, credit, and character of persons engaged in business, and the mutual rights, duties, and liabilities of those engaged therein, and their subscribers or customers. Liabilities for slander or libel are treated under LIBEL AND SLANDER. Duties and liabilities in respect of collections or any business other than supplying information will be treated under PRINCIPAL AND AGENT, and liabilities for false statements to or through mercantile agencies under SALES, FRAUD, ARREST, and other specific titles of the subject involved or the remedies.

MILITIA.

This topic treats of the rights, powers, and duties of soldiers enrolled by authority of the state for discipline and for service in emergency, together with the liability to service in the militia, and control and employment of militia in actual service, offenses against laws governing the militia and courts administering such laws. The right to bear arms in general is considered under WEAPONS. Exemption of members of the militia from other public service and from taxation will be found under JURY, TAXATION, and other specific heads. Questions connected with calling militia into the service of the general government are considered under ARMY AND NAVY.

MINES AND MINERALS.

Questions concerning mineral substances, solid or fluid, other than ordinary soil, sand, clay, or rock, found beneath the surface of the earth and lands containing such minerals; and mines and mining

claims or rights; organization, powers, and franchises of mining companies; and rights, duties, and liabilities of proprietors in respect of the working of their mines otherwise than in their capacity of employers—are considered in this topic. Rights and liabilities in respect of subterranean waters will be found under WATERS AND WATER COURSES. Matters applicable to partnerships and corporations in general fall within the scope of PARTNERSHIP, CORPORATIONS; and duties and liabilities, as employers, of those working mines are considered in MASTER AND SERVANT.

MISCEGENATION.

Included in this topic are questions relating to marriage or sexual intercourse between persons of different races between whom marriage is prohibited by nature, and prosecution of such acts as public offenses. Validity and effect of mixed marriages will be considered under MARRIAGE.

MONEY LENT.

The obligations implied or imposed by law to repay money lent or advanced for temporary accommodation and use, independent of any instrument in writing promising such repayment, and remedies of the parties in general, are within the scope of this topic. Promissory notes and other instruments in writing given for loans of money are treated under BILLS AND NOTES, and interest on loans under INTEREST, USURY. Proceedings in actions of assumpsit will be found under the topic ASSUMPSIT, ACTION OF.

MONEY PAID.

This topic treats of the obligations implied or imposed by law to repay money paid or expended by one person for the use or benefit of another, who ought to have paid it to a third person, independent of any instrument in writing requesting such payment or promising repayment, and remedies of the parties in general. Questions concerning bills of exchange, promissory notes, and other instruments in writing requesting or promising payment of money are considered under BILLS AND NOTES. The rights and liabilities in respect of reimbursement of part of the amount paid to discharge a common obligation are considered under CONTRIBUTION. Proceedings in actions of assumpsit will be found under ASSUMPSIT, ACTION OF.

MONEY RECEIVED.

The scope of this topic includes obligations implied or imposed by law to pay money received by one person for the use or benefit of another, or to which another is entitled in equity and good conscience, independent of any special relation, agreement, or trust, and

remedies of the parties in general. Questions relating to money received in a representative or fiduciary capacity are treated under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, ATTORNEY AND CLIENT, PRINCIPAL AND AGENT, and other specific heads. Questions relating to implied and constructive trusts fall within the scope of TRUSTS, and proceedings in actions of assumpsit will be found under ASSUMPSIT, ACTION OF.

MONOPOLIES.

Decisions relating to grants of exclusive or special privileges or immunities in respect of any occupation or business are considered under this topic, together with monopolizing or combining or attempting to monopolize trade or commerce, and rights and remedies, civil or criminal, incident thereto. Questions relating to corporate and other specific franchises are considered under CORPORATIONS, FRANCHISES. Exclusive rights under laws relating to inventions, copyrights, and trade-marks are considered under PATENTS, COPYRIGHTS, TRADE-MARKS AND TRADE-NAMES. Grants of privileges and immunities not relating to any occupation or business fall within the scope of CONSTITUTIONAL LAW, and contracts and conspiracies in restraint of trade or commerce are included under CONTRACTS, CONSPIRACY.

MORTGAGES.

This topic deals with transfers of property, more particularly of real property, as security for payment of money or performance of contracts or other obligations, whether made by conveyance on condition, or with a defeasance or by deed of trust, or by conveyance absolute in form, or by deposit of title deeds, or other transaction constituting an equitable mortgage; enforcement by strict foreclosure, by sale under power, or by action; and redemption. Mortgages by or to particular classes of persons will be considered under such topics as INFANTS, INSANE PERSONS, PARTNERSHIP, ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS. Mortgages by persons in representative or fiduciary capacities will be found under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, TRUSTS. Mortgages of personal property in general will be considered under CHATTEL MORTGAGES, and mortgages of vessels, cargoes, freight, etc., under SHIPPING. Mortgages of franchises and property of corporations are included under FRANCHISES, CORPORATIONS, RAILROADS, and other specific heads. Mortgages fraudulent as to creditors or subsequent purchasers will be considered under FRAUDULENT CONVEYANCES. Rights of mortgagors and mortgagees as to fixtures fall within the scope of FIXTURES, and subrogation to rights of mortgagees is included in SUBROGATION.

MOTIONS.

Under this topic are included applications to a court or judge by or on behalf of parties to actions or other proceedings for a rule or order incident to the progress of the cause, and other applications for summary relief and determination thereof. Motions relating to parties, process, pleadings, and other particular proceedings in actions will be found under PARTIES, PROCESS, PLEADING, and other specific heads. Motions relating to particular remedies incident to actions will be found under such topics as ARREST, ATTACHMENT. Motions for dismissal or nonsuit are treated under DISMISSAL AND NONSUIT, and those for new trial under NEW TRIAL. Motions to open or vacate judgment, or in arrest of judgment, are treated under JUDGMENT, and costs on motions are treated under COSTS. Matters relating to rules of court will be found under COURTS.

MUNICIPAL CORPORATIONS.

Included in the scope of this topic are public corporations formed under special charters or by voluntary organization under general laws for purposes of subordinate local government of cities, towns, villages, etc., the rights, powers, duties and liabilities of such corporations and their officers, actions by or against municipal corporations, and criminal prosecutions against them. Matters relating to corporations in general are considered under CORPORATIONS; those relating to counties, parishes, etc., under COUNTIES; those relating to townships and towns not specially incorporated, under TOWNS; and those relating to minor territorial subdivisions for special purposes, under SCHOOLS AND SCHOOL DISTRICTS, ELECTIONS, and other specific heads. The election of municipal officers at general elections will be included in the topic ELECTIONS, and matters relating to public officers in general in the topic OFFICERS. Questions relating to municipal courts will be considered under COURTS, and those relating to judges under JUDGES. The dedication of lands for streets and other municipal purposes is considered under DEDICATION, and the exercise of delegated power of eminent domain under EMINENT DOMAIN. The maintenance and operation of works, structures, etc., merely incidental to existence of municipalities, will be considered under BRIDGES, FERRIES, WATERS AND WATER COURSES, LEVEES, DRAINS, and other specific heads. The relief of the poor will be considered under PAUPERS, and questions relating to charitable and reformatory institutions under HOSPITALS, ASYLUMS, REFORMATORIES, PRISONS. Particular proceedings against municipal corporations, their officers, etc., will be found under QUO WARRANTO, MANDAMUS, PROHIBITION, INJUNCTION, CERTIORARI, and other specific heads.

NAMES.

This topic deals with appellations and designations of individuals, rights of a personal nature respecting their use, and change of name. Questions relating to names of illegitimate persons are considered under BASTARDS. Changes of name incident to adoption are treated under ADOPTION, and those incident to marriage under MARRIAGE. If the change is incident to divorce it will be found under DIVORCE. Questions relating to names of partnerships are considered under PARTNERSHIP; those relating to associations under ASSOCIATIONS, JOINT-STOCK COMPANIES; and those relating to corporate bodies under CORPORATIONS. Questions relating to property in names are considered under TRADE-MARKS AND TRADE-NAMES.

NAVIGABLE WATERS.

Under this topic are included bodies and streams of water capable of ordinary navigation in their natural condition or as improved under franchises granted for the purpose or directly by the government. The topic also includes the organization, franchises, and powers of navigation improvement companies, the public use of such waters and their boundaries or banks, together with the promotion, control, and regulation of such use and matters incident thereto. Obstructions of navigation and remedies therefor are also included, and rights and liabilities of proprietors of the shores or banks or adjoining lands in respect of such waters and of lands under or surrounded by them and the ice formed on them. Artificial water courses and streams made navigable by improvement by individuals fall within the scope of CANALS, WATERS AND WATER COURSES. The floatage of logs in streams not navigable will be found under LOGS AND LOGGING. Questions relating to ferries are considered under FERRIES, and those relating to wharves under WHARVES. The regulation of commerce is within the scope of COMMERCE, and of shipping in general is under SHIPPING. Rules of navigation for preventing collision will be found under COLLISION, and fishing in public waters will be found under FISH. Questions relating to navigable waters as boundaries will be considered under BOUNDARIES.

NE EXEAT.

This topic includes proceedings to prevent defendants in actions on demands of an equitable nature from departing or removing their property from the jurisdiction of the court, and to obtain equitable bail. Matters relating to arrest and bail in general will be found under ARREST, BAIL; and review of decisions relating to ne exeat will be found under APPEAL AND ERROR. The use of the writ of ne exeat in particular classes of actions will be found under such topics as ACCOUNT, DIVORCE.

NEGLIGENCE.

This topic treats of the failure to use due care, either in respect of acts or of omissions in performance or observance of a duty not founded on contract, which failure is the proximate cause of unintended injury to the person to whom such duty is owing; contributory negligence of those injured; civil remedies for such injuries; and prosecution for such acts as public offenses. Negligence in respect of duties incident to particular personal relations, occupations, employments, contracts, etc., will be found under such topics as ATTORNEY AND CLIENT, MASTER AND SERVANT, PHYSICIANS AND SURGEONS, CARRIERS, LANDLORD AND TENANT, BAILMENT, and other specific heads. Negligence in care and use of particular kinds of property will be considered under MINES AND MINERALS, WATERS AND WATER COURSES, ANIMALS, SHIPPING, COLLISION, and other specific heads. Negligence in the construction and use of particular kinds of works, public improvements, etc., will be treated under RAILROADS, BRIDGES, HIGHWAYS, MUNICIPAL CORPORATIONS, and other specific heads. The question of remoteness of damages falls within the scope of DAMAGES. Actions for damages for death caused by negligence will be treated under DEATH, and questions relating to manslaughter by negligence will be treated under HOMICIDE.

NEUTRALITY LAWS.

Questions relating to the breach of neutrality or of other international obligations by hostile acts of private persons against a foreign nation at peace with the United States are within the scope of this topic, and the prosecution of such breach as a public offense. Violation of privileges of foreign ambassadors and ministers will be considered under AMBASSADORS AND CONSULS, and rights of belligerents under WAR.

NEWSPAPERS.

This topic treats of periodicals designated or employed to publish laws or other public acts, proceedings, etc., or notices or advertisements relating to judicial or other official proceedings, whether for the information of the public or as notice to individuals. This topic also includes the official appointment or designation or other selection of newspapers for such purposes, and compensation for making such publications, contracts therefor, and rights and liabilities in respect thereof. The effect of publication in newspapers as notice is considered under NOTICE, and service of process by publication under PROCESS. The publication of libels falls within the scope of LIBEL AND SLANDER, and the publication of reports of judicial proceedings constituting contempt will be considered under CONTEMPT.

NEW TRIAL.

This topic includes the judicial re-examination by the same tribunals of issues in civil cases for trial and determination thereof by courts or referees, proceedings to obtain new trial, and proceedings at new trial. Rehearings in equity are within the scope of EQUITY, and those in admiralty will be found under ADMIRALTY. New trials in criminal cases will be found under CRIMINAL LAW, and new trials before justices of the peace will be considered under JUSTICES OF THE PEACE. Recommittal of cases to referees is within the scope of REFERENCE; and the necessity and effect of motion for new trial for purposes of review, review of decisions granting or refusing new trials and decisions on appeal remanding cases for new trials, will be found under APPEAL AND ERROR.

NOTARIES.

This topic deals with notaries public, their appointment, qualifications, and tenure of office, and their rights, powers, duties, and liabilities in general. Questions relating to commissioners of deeds and other officers specially authorized to perform functions of notaries, and particular acts and proceedings by notaries, will be considered under ACKNOWLEDGMENT, AFFIDAVITS, BILLS AND NOTES, and other specific heads.

NOTICE.

Knowledge or information of facts, and means of information and constructive knowledge equivalent in legal effect to actual knowledge, are included in this topic, together with communication, by private act or by public authority, of information or warning of facts or of acts intended or required to be done, and offenses of destroying or removing public notices. Notice of particular facts, acts, and proceedings will be considered under specific titles thereof or of subjects to which they relate. The effect of notice to attorneys, agents, partners, corporate officers, etc., will be considered under ATTORNEY AND CLIENT, PRINCIPAL AND AGENT, PARTNERSHIP, CORPORATIONS, and other specific heads. The designation of official newspapers for publication of notices, etc., and their compensation, will be treated under NEWSPAPERS. Recording instruments in writing to constitute constructive notice falls within the scope of RECORDS. Judicial notice of facts is under EVIDENCE, and notice as affecting good faith of purchasers, priority of mortgages, etc., will be found under VENDOR AND PURCHASER, SALES, BILLS AND NOTES, MORTGAGES, CHATTEL MORTGAGES. Notice and demand before suit is included in ACTION, TROVER AND CONVERSION, REPLEVIN, and titles of other particular forms and causes of action. Notice of suit will be found under PROCESS, and notice of pendency of action under LIS PENDENS.

NOVATION.

This topic treats of the substitution for and in discharge of an existing pecuniary obligation, together with the nature, requisites, sufficiency, and effect of such novation, and pleading and proof thereof. Questions relating to the modification of contracts will be considered under CONTRACTS and titles of particular classes of contracts. Requirements of statute of frauds will be found under FRAUDS, STATUTE OF.

NUISANCE.

The use of property and rights and personal conduct causing material annoyance, inconvenience or injury to others, in respect of health, safety, comfort, sense of decency, morals, or exercise of their rights, are within the scope of this topic, together with the nature and extent of liabilities for such injuries, and civil remedies therefor and criminal responsibility and prosecution. Liabilities of landlord and tenant in respect of demised premises will be found under LANDLORD AND TENANT. Questions relating to obstructing of highways, streets, etc., will be considered under HIGHWAYS, MUNICIPAL CORPORATIONS. The obstruction of navigation falls within the scope of NAVIGABLE WATERS, and the obstruction, diversion, pollution, etc., of water courses will be considered under WATERS AND WATER COURSES. The protection of public health by legal authorities will be found under HEALTH. The powers of municipal bodies to deal with nuisances will be found under MUNICIPAL CORPORATIONS. Particular classes of offenses of the nature of nuisances will be found under DISORDERLY HOUSE, GAMING, and other specific heads.

OATH.

This topic includes solemn declarations or affirmations with or without invocation of or appeal to God or other especial sanction, made in verification of averments, testimony, or promise to perform the duties of a trust or office. Verification of pleadings will be found under PLEADING, and of affidavits under AFFIDAVITS. Questions relating to oath or affirmation of witness will be found under WITNESSES. The oath or affirmation of jurors or arbitrators will be considered under JURY, ARBITRATION AND AWARD. Qualification for office or position of trust falls within the scope of OFFICERS and titles of particular officers, TRUSTS, EXECUTORS AND ADMINISTRATORS, and other specific heads. Questions concerning false swearing will be considered under PERJURY, and profane swearing under BLASPHEMY.

OBSCENITY.

This topic includes lewd or immodest acts, conduct, or language offensive to the public sense of decency or to the public morals in

general; publicly exhibiting or disseminating objects, publications, or representations of lewd or indecent character, and publishing obscene libels; and the prosecution of such acts as public offenses. Indecent assaults are within the scope of ASSAULT AND BATTERY, and the use of indecent language as affecting individuals only is under the head of DISORDERLY CONDUCT. Lewd and lascivious cohabitation and other distinct classes of offenses against public morals will be considered under LEWDNESS or other specific heads. Mailing obscene matter will be considered under the topic POST OFFICE.

OBSTRUCTING JUSTICE.

Resisting or obstructing or intimidating an officer or other duly authorized persons in the execution of process, civil or criminal, or performance of other official act or duty, are included within the scope of this topic. It also includes preventing witnesses from attending or testifying, suppressing evidence, and other acts defeating, impeding, or delaying the administration of justice, not constituting a distinct offense, and attempts to commit such acts, and prosecution of such acts as public offenses. Assaults and homicide committed by or upon officers making arrests will be treated under ASSAULT AND BATTERY and HOMICIDE. The escape and rescue of prisoners are within the scope of ESCAPE, RESCUE. Questions relating to the misconduct and neglect of officers will be considered under OFFICERS, SHERIFFS AND CONSTABLES, and other specific heads.

OFFICERS.

This topic treats of persons exercising public functions, trusts, or employments in the civil service of the government, the nature and kinds of such offices, employments, etc., in general, eligibility for office, appointment, qualification, and tenure of office, and actions by or against public officers. Matters relating to legislative and executive officers in general of the United States will be treated under UNITED STATES, and those relating to legislative and executive officers of the several states will be considered under STATES. Questions concerning judicial officers and other officers attached to courts fall within the scope of COURTS, JUDGES, CLERKS OF COURTS, and other specific heads. Matters pertaining to particular classes of civil officers will be considered under DISTRICT AND PROSECUTING ATTORNEYS, SHERIFFS AND CONSTABLES, UNITED STATES MARSHALS, and other specific heads. Questions relating to municipal and other local officers will be considered under MUNICIPAL CORPORATIONS, COUNTIES, TOWNS, and other specific heads. Matters pertaining to official newspapers fall within the scope of NEWSPAPERS. Officers of private corporations will be dealt with under CORPORATIONS, and military and naval officers under MILITIA, ARMY AND NAVY, WAR. The conduct and result of elections will

be found under ELECTIONS. Proceedings in the nature of quo warranto, mandamus, and prohibition will be found under QUO WARRANTO, MANDAMUS, PROHIBITION. Questions relating to extortion and oppression and bribery will be considered under EXTORTION, BRIBERY.

PARDON.

This topic deals with grants of exemption from punishment for crime committed, by general pardon or amnesty as well as in individual cases, commutation of punishment, and pleading and proof of pardon. Suspension of sentence by courts will be found under CRIMINAL LAW, and reduction of term of imprisonment by good conduct under PRISONS.

PARENT AND CHILD.

Within the scope of this topic will be included the parental relation, rights, powers, duties, and liabilities of parents and children as between themselves and as to others, incident to the existence of the relation, and legal proceedings relating thereto. Matters pertaining to illegitimate children and legitimation will be considered under the topic BASTARDS, and questions relating to adoption under ADOPTION. Rights and liabilities of parents as guardians and their powers to appoint guardians will be considered under GUARDIAN AND WARD. Disabilities of infancy and protection of persons and property of infants fall within the scope of INFANTS. The effect of divorce of parents is considered under DIVORCE, and particular wrongs and offenses, even though affecting parental rights, will be considered under ABDUCTION, SEDUCTION, and other specific heads.

PARLIAMENTARY LAW.

The rules and usages governing the proceedings of deliberative bodies fall within the scope of this topic, together with the sources and principles of such rules and usages, and their application in general. Proceedings of Congress and other legislative bodies will be found under UNITED STATES, STATES, TERRITORIES, and proceedings of municipal councils or other governing bodies under MUNICIPAL CORPORATIONS. Proceedings of directors or trustees of corporations are included under CORPORATIONS, and proceedings of conventions or caucuses to nominate candidates for election under ELECTIONS. Proceedings of other bodies, boards, etc., will be considered under OFFICERS and specific heads.

PARTIES.

This topic deals with persons in whose names civil actions in general may be or must be brought or defended. The capacity of particular classes of persons to sue or defend will be considered under

ALIENS, INFANTS, and other specific heads. The right to sue and liability to be sued will be considered under ACTIONS and titles of particular causes of action. Parties to particular classes of actions will be considered under CONTRACTS, TORTS, and other specific heads. The effect of death or defect of parties as ground of abatement of actions is within the scope of ABATEMENT AND REVIVAL. The effect of assignment of cause of action before suit is under ASSIGNMENT. Matters pertaining to interpleading will be found under INTERPLEADER. Matters relating to dismissal as to one or more co-parties will be considered under DISMISSAL AND NONSUIT. The competency of parties as witnesses is within the scope of WITNESSES, and the examination of parties before trial will be found under DISCOVERY. Absence from trial is within the scope of TRIAL, NEW TRIAL. Parties to proceedings for review in civil actions will be considered under APPEAL AND ERROR and other specific heads. Parties to civil proceedings other than actions will be found under HABEAS CORPUS, MANDAMUS, and titles of other special proceedings. Questions relating to parties to suits in equity will be considered under EQUITY, and those concerning suits in admiralty under ADMIRALTY. Questions as to parties to proceedings for probate or contest of wills are considered under WILLS. Matters relating to parties in proceedings under insolvent laws or bankrupt laws will be found under INSOLVENCY, BANKRUPTCY. Parties to criminal prosecutions will be considered under CRIMINAL LAW, INDICTMENT AND INFORMATION, and titles of particular crimes.

PARTITION.

This topic deals with the division of property, real or personal, among co-owners, by mutual consent or by judicial proceedings, review of proceedings, and costs in actions for partition. The rights and liabilities of co-owners in general will be treated under JOINT TENANCY, TENANCY IN COMMON.

PARTNERSHIP.

The relation created by the combination of persons as principals to contribute property or services in a joint undertaking for joint profit falls within the scope of this title. The topic also deals with the rights, powers, duties, and liabilities of partners, and legal proceedings for enforcement thereof. Associations not dependent on the personality of their members, or formed for purposes other than gain, will be treated under ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS, and other specific heads. Matters relating to the joint or common ownership of property will be considered under JOINT TENANCY, TENANCY IN COMMON.

PARTY WALLS.

Under this topic are included walls built partly on the land of each of two adjoining proprietors for the common benefit of both, rights and liabilities of adjoining owners in respect thereof, and legal proceedings relating thereto.

PATENTS.

Included in this topic are the nature and incidents of the exclusive right of the inventor to the use of his invention, secured by grant of letters patent, proceedings to obtain patent, infringement, and remedies relating thereto. Letters patent for lands will appear under PUBLIC LANDS.

PAUPERS.

This topic treats of indigent persons requiring support from others, their relief either by public authorities or by individuals liable for their support, violations of poor laws and prosecution thereof as public offenses. Duties and liabilities incident to particular personal relations will be considered under HUSBAND AND WIFE, PARENT AND CHILD, and other specific heads. The care of indigent insane persons will be treated under INSANE PERSONS. The exclusion of pauper immigrants will be found under ALIENS. Binding paupers as apprentices will be found under APPRENTICES. Suing in forma pauperis goes to COSTS, and relief of poor debtors from imprisonment to ARREST, EXECUTION. Matters pertaining to asylums for indigent children, aged persons, etc., are treated under ASYLUMS.

PAWNBROKERS.

The regulation of the business of lending money on pledge of goods, and the mutual rights, duties, and liabilities of persons engaged in such business and those dealing with them, fall within the scope of this topic. Contract of pledge in general will be found under PLEDGES.

PAYMENT.

This topic includes the delivery and acceptance of money or its equivalent in discharge of pecuniary obligations in general, evidence relating thereto, application as between particular debts, right to recover money paid, and pleading payment and proof thereof as a defense. Payment of particular classes of obligations will be found under MASTER AND SERVANT, BILLS AND NOTES, BONDS, MORTGAGES, and other specific heads. The payment of debts of decedents, legacies, etc., will be treated under EXECUTORS AND ADMINISTRATORS. The payment of taxes is within the scope of TAXATION, and the payment in performance of compromise will

be found under COMPROMISE AND SETTLEMENT. If the payment is by way of accord and satisfaction, it will appear under ACCORD AND SATISFACTION. The effect of payment as a compliance with the statute of frauds is under FRAUDS, STATUTE OF, and payment to prevent bar by statute of limitations will be found under LIMITATION OF ACTIONS, and tender and payment into court will be found under TENDER.

PENALTIES.

The scope of this title includes moneys recoverable under statutes imposing payment thereof as a punishment for violation of their provisions; proceedings for recovery of penalties; review of such proceedings; costs in such proceedings; rights of informers and of plaintiffs in qui tam actions; and waiver, compounding or remission of penalties. Penalties for breaches of contracts in general and distinctions between penalties and liquidated damages will be found under DAMAGES. Matters pertaining to penal bonds will be found under BONDS. Fines imposed as punishment by sentence of courts will be considered under FINES. The construction of penal statutes in general goes to STATUTES. Penalties for particular offenses and recovery thereof will be considered under FOOD, INTOXICATING LIQUORS, and other specific heads.

PENSIONS.

This topic includes pecuniary allowances paid periodically by government to persons who have rendered services to the public, or suffered loss or injury in public service, or to their representatives, proceedings to obtain, and payment. Bounties offered to induce performance of service to the public will be found under BOUNTIES. Questions relating to the pay of retired civil or military officers will be found under OFFICERS, JUDGES, and titles of other officers, and ARMY AND NAVY. The exemption of pensions from attachment and execution will be considered under EXEMPTIONS, and exemption of pensions from taxation will be considered under TAXATION.

PERJURY.

The willful violation of an obligation imposed by an oath or affirmation, or other lawful substitute for an oath, giving false testimony or making false declarations or statements in a judicial proceeding or other proceeding authorized by law, fall within the scope of this topic. It also includes suborning perjury or procuring or attempting to induce another to commit perjury, and prosecution of the acts included within the topic as public offenses. The suppression of evidence and intimidating of witnesses will be considered under OBSTRUCTING JUSTICE.

PERPETUITIES.

This topic deals with estates inalienable beyond the time allowed by law and restrictions under either common law rules or statutes on creation of future contingent estates, or on suspension of the absolute power of alienation, or on trusts for accumulation, and application of such restrictions to deeds, etc. The operation of limitations void for remoteness on prior or subsequent limitations will be considered under DEEDS, WILLS, or other specific heads.

PHYSICIANS AND SURGEONS.

Under this topic will be included the practice of medicine, surgery, dentistry, or other healing art; admission to practice; registration, certification, and license of practitioners; and regulation of professional conduct, together with the rights, duties, and liabilities of physician and patient. Questions relating to the privilege of professional communications will be considered under WITNESSES, and those relating to the testimony of physicians as experts will be found under EVIDENCE. Physicians in public offices or employments will be considered under HEALTH, OFFICERS.

PILOTS.

This topic deals with licensing, registration, certification, and regulation of pilots, for particular ports or places, and their employment, rights, duties, and liabilities, together with those of the owners, charterers, and masters of vessels on which they are employed. The power to regulate commerce is included in COMMERCE.

PIRACY.

Robbery or other forcible depredation committed on the high seas, and other acts committed by or on a vessel having no national character, in violation of the law of nations or of statute law, are included in this topic, as well as fitting out vessels for piratical purposes, aiding and trading with pirates, seizure and condemnation of piratical vessels, and prosecution of acts of piracy as public offenses. Matters pertaining to the slave trade will be found under SLAVES.

PLEADING.

This topic includes formal statements in writing of causes of action and defenses in civil actions in general, whether proceeding according to the course of practice at common law or under provisions of practice acts or codes of procedure; exhibits annexed to pleadings; bills of particulars; admissibility of evidence under pleadings; variance between allegations and proof; and effect of verdict and judgment to cure defects. Pleading by particular classes of persons in actions by or against them will be found under such topics as INFANTS and

other specific topics. Joinder and designation of parties in pleadings and objections to pleadings for nonjoinder, misjoinder or misnomer, or other defects as to parties, will be considered under PARTIES. Grounds of abatement and necessity of pleading in abatement are considered under ABATEMENT AND REVIVAL. Judgment on pleadings and arrest of judgment for defects in pleadings will be found under JUDGMENT. Pleading in particular forms of action and alleging particular causes of action and defenses will be found under specific heads relating to such forms of action or causes of action. Pleading in civil proceedings other than actions will be found under MANDAMUS, QUO WARRANTO, SCIRE FACIAS, and other particular heads. Pleading in suits in equity will be found under EQUITY, and in suits in admiralty under ADMIRALTY. Pleading in proceedings to probate or contest wills will be found under WILLS, and in proceedings under insolvency acts or bankruptcy acts under INSOLVENCY, BANKRUPTCY. Pleading in criminal prosecutions goes to INDICTMENT AND INFORMATION, and the titles of particular crimes. Pleading as evidence in general will be treated under EVIDENCE, as evidence in equitable proceedings it will be found under EQUITY, and as ground of estoppel under ESTOPPEL.

PLEDGES.

This title treats of possession of personal property as security for payment of money or performance of contracts or other obligations in general, enforcement of pledge, and redemption of property. Matters pertaining to pawnbrokers, and regulation of their business and dealings with them will be included under PAWNBROKERS. Pledges by or to particular classes of persons will be treated under the topics INFANTS, INSANE PERSONS, PARTNERSHIP, ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS. Pledges by persons in representative or fiduciary capacities will be considered under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, FACTORS, TRUSTS. The rights and liabilities of pledgors and pledgees of corporate stock are within the scope of CORPORATIONS, and rights of pledgees of negotiable securities as bona fide holders thereof will be found under BILLS AND NOTES, BONDS, MUNICIPAL CORPORATIONS, and other specific heads. Transfers, fraudulent as to creditors and subsequent purchasers, will be considered under FRAUDULENT CONVEYANCES.

POISONS.

The regulation of manufacture, sale, and use of poisons is included in this topic, together with the traffic in poisonous articles; liabilities for personal injuries from the sale and use thereof; violation of laws relating to poisons, and prosecution of such violations as public offenses; and the criminal administration of poisons, not constituting any other offense. Regulation of apothecaries, and their liability for

negligence, falls within the scope of DRUGGISTS. Murder and attempts to murder by poisoning will be found under HOMICIDE. Administering poison to cause abortion is treated under ABORTION, and poisoning animals under ANIMALS.

POSSESSORY WARRANT.

This topic deals with summary proceedings to determine the fact of previous peaceable possession of personal property, and to restore it to such previous possessor, review of such proceedings, and costs therein. Actions for possession of personal property founded on right of property are under DETINUE, and actions founded on right of possession under REPLEVIN. Actions for damages for taking, converting or detaining personal property are included in the topic TROVER AND CONVERSION.

POST OFFICE.

The conduct and regulation of communication by mail, constitutional and statutory provisions relating thereto, establishment, organization, and powers of post office department, and violations of postal laws, are included in this topic. Presumption as to due transmission and delivery of mail will be found under EVIDENCE, and notice by mail under NOTICE, BILLS AND NOTES, and other specific heads.

POWERS.

Under this topic will be included authority reserved by or limited to one or more persons to dispose of property or an estate therein vested in another or others; rights and liabilities of donors or grantors, donees or grantees, and beneficiaries, and remedies relating thereto. Powers of sale in mortgages and trust deeds will be found under MORTGAGES, CHATTEL MORTGAGES. Powers in trust are considered under TRUSTS, and powers granted to mere agents or attorneys by letters of attorney or otherwise, under PRINCIPAL AND AGENT. The validity and construction of particular instruments, reserving the granting powers, are considered under DEEDS, WILLS, TRUSTS.

PRINCIPAL AND AGENT.

This topic deals with the relation of agency created by letters of attorney or other express appointment, or arising by implication; rights, powers, duties, and liabilities of the parties, and legal proceedings relating thereto. Agency implied from the existence of the marital or parental relation is considered under HUSBAND AND WIFE, PARENT AND CHILD. Questions relating to agency involved in the exercise of a particular vocation or occupation will be considered under such topics as ATTORNEY AND CLIENT, BROKERS, FAC-

TORS, INSURANCE. Matters relating to the agency of corporate or public officers and agents will be found under CORPORATIONS, OFFICERS, and titles of particular officers.

PRINCIPAL AND SURETY.

This topic deals with promises to be bound with and for another primarily liable for the payment of a debt, the performance of a duty or contract, or other obligation by him, the organization, franchises, powers, and dealings of surety companies, and the rights, liabilities, and remedies of sureties, principals, and creditors. Collateral promises of guaranty will be found under GUARANTY, and those relating to indemnity under INDEMNITY. Contracts of suretyship by particular classes of persons are considered under such heads as INFANTS, INSANE PERSONS, PARTNERSHIP, CORPORATIONS. Particular forms of contracts or instruments of suretyship will be considered under BONDS, BAIL, UNDERTAKING. Liabilities of sureties for performance of particular classes of fiduciary or official duties fall within the scope of GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, TRUSTS, OFFICERS, and titles of specific officers. Liabilities connected with the performance of particular acts in judicial proceedings will be included under ARREST, ATTACHMENT, GARNISHMENT, INJUNCTION, REPLEVIN, APPEAL AND ERROR, COSTS, and other specific heads.

PRISONS.

Matters pertaining to public buildings for the confinement of persons held in judicial custody in either civil or criminal proceedings, and either to secure their production as parties or witnesses in further proceedings, or as punishment by imprisonment with or without hard labor, whether such buildings be designated as prisons, jails, penitentiaries, houses of correction, or otherwise, fall within the scope of this topic. It also includes the rights, powers, duties, and liabilities of wardens, jailers, keepers, and other officers, and the custody, care, and maintenance of the prisoners in general. Reformatory institutions fall within the scope of REFORMATORIES, and arrest and discharge from arrest, jail limits, prison bounds, poor debtors, etc., will be considered under ARREST, BAIL, EXECUTION. Sentences to imprisonment, as punishment, will be found under CRIMINAL LAW and titles of particular offenses. The regulation of convicts and their labor will be considered under CONVICTS, and jail breaking, prison breach, etc., under ESCAPE.

PRIVATE ROADS.

This topic deals with roads established by public authority for the accommodation of private persons, but open for free passage to the public. It also includes the establishment of such roads, local

assessments therefor, title to and rights in the land occupied, and liabilities for injuries from defects or obstructions therein. Roads established for public benefit will be found under HIGHWAYS, and rights of way over lands of others under EASEMENTS.

PRIZE FIGHTING.

The scope of this topic includes fighting without weapons by agreement for prize, reward, stakes, or championship, advising or aiding therein, and sending, publishing, or accepting a challenge so to fight, together with the prosecution of such acts as public offenses. Assault and battery involved in prize fighting will be considered under ASSAULT AND BATTERY, and killing another in a prize fight under HOMICIDE.

PROCESS.

Included in this topic are writs, mandates, precepts or notices issued by a court or judge, clerk, attorney or other officer, in or incident to proceedings in civil actions in general, and more particularly such instruments by which civil actions are begun and defendants therein are required to appear and answer. The topic also deals with the service of process, privilege from service, defects in process or return, amendment of process or return, and quashing or setting aside process or return. Abuse of process in general is also within the scope of this topic. Process against and service of process on particular classes of persons will be found under INFANTS, INSANE PERSONS, CORPORATIONS, and other specific heads. Waiver of objection to process, or to service thereof, by appearing, will be found under APPEARANCE. Process for arrest or other special remedies in action will appear under ARREST, ATTACHMENT, and other specific heads. Process to secure the attendance of jurors or witnesses will be found under JURY, WITNESSES. Final process appears under EXECUTION, and writs and other process for review of proceedings in actions are within the scope of APPEAL AND ERROR, CERTIORARI, REVIEW, AUDITA QUERELA. Writs in civil proceedings other than actions appear under HABEAS CORPUS, MANDAMUS, PROHIBITION, QUO WARRANTO, SCIRE FACIAS, and titles of other special proceedings. Process in suits in equity or admiralty are dealt with under EQUITY, ADMIRALTY. Process in probate proceedings will be found under WILLS, EXECUTORS AND ADMINISTRATORS, and in proceedings under insolvent acts and bankrupt acts under INSOLVENCY, BANKRUPTCY. Process in criminal prosecutions appear under CRIMINAL LAW, ARREST, EXTRADITION, SEARCHES AND SEIZURES. Process peculiar to particular courts will be found under COURTS, and process in proceedings before justices of the peace will be found under JUSTICES OF THE PEACE. The wrongful use of particular writs or other mandates of courts is considered under ATTACHMENT,

EXECUTION, INJUNCTION, and other specific heads. The liability for malicious prosecution is considered under MALICIOUS PROSECUTION.

PROHIBITION.

Writs of prohibition forbidding prosecution of particular proceedings before inferior courts or other tribunals, judges, boards, officers, or corporations, as being without or in excess of their jurisdiction, are considered under this topic. It also includes proceedings to obtain writ, and proceedings on the writ, review of proceedings, costs, and disobedience to such writs. Preventive relief by injunction will be considered under INJUNCTION.

PROPERTY.

Included in this topic are the nature and subjects of the rights of property in general, distinctions between different kinds of property, evidence of title and matters relating to acquisition, ownership, possession, and transfer of property generally. Constitutional guaranty of rights of property are considered under CONSTITUTIONAL LAW, and capacities, rights, and liabilities of particular classes of persons under ALIENS, BASTARDS, INFANTS, INSANE PERSONS, CORPORATIONS, and other specific heads. Particular subjects and incidents of rights of property, estates and interests in property, modes of transfer and actions, and proceedings involving or affecting rights of property, will be found under specific heads dealing with such subjects, estates, modes of transfer, and actions.

PROSTITUTION.

This topic deals with the common lewdness of a female in offering or permitting sexual intercourse with men indiscriminately, for gain or other purpose, and soliciting or inducing a female to become a prostitute or inmate of a house of prostitution, and placing or keeping a female in such a house, and prosecution of such acts as public offenses. Offenses of notorious lewdness or lascivious conduct will appear under LEWDNESS. The offense of abduction will be considered under ABDUCTION, and keeping and frequenting a house of prostitution under DISORDERLY HOUSE.

PUBLIC LANDS.

Included in this topic are matters pertaining to lands forming part of the public domain, regulations relating thereto, grants thereof, and acquisition by private owners of title thereto or rights therein under grants or statutory provisions. Questions relating to commons are considered under COMMON LANDS, and those relating to mines and minerals in public lands under MINES AND MINERALS. Lands under navigable waters are considered under NAVIGABLE WATERS.

QUIETING TITLE.

Under this topic will be found actions for determination of conflicting claims to real property, the removal of clouds on title thereto, whether under the jurisdiction of courts of equity or under statutory provisions, procedure therein, review of proceedings, and costs in such actions. Actions of trespass to try title are under TRESPASS TO TRY TITLE, and effect of statute of limitations, lapse of time, laches, etc., are considered under LIMITATION OF ACTIONS, EQUITY. New trials as of right in statutory actions for determination of adverse claims will be found under NEW TRIAL.

QUO WARRANTO.

Writs of quo warranto and proceeding by information or action in the nature of writs of quo warranto to try title to offices, franchises, etc., are included in this topic, together with the nature and scope of the remedy in general, the grounds of such writs or proceedings, and defenses thereto, review of proceedings, and costs in such proceedings. The rights to and forfeiture of offices, franchises, etc., will be considered under OFFICERS, FRANCHISES, CORPORATIONS, and titles of particular classes of officers and corporations.

RAILROADS.

This topic deals with the construction, maintenance, regulation, and operation of railroads in general; the organization of railroad companies, and their rights, powers, and liabilities with respect to grants and franchises and public aid, and of the construction and maintenance of their roads and other property, and their ownership and conveyance thereof, and rights and liabilities of their stockholders and officers. It also includes the rights, duties, and liabilities of railroad companies as to the public, and as to individuals in respect to the management and operation of the roads otherwise than in their capacities of employers or carriers. Regulations of commerce will be found under COMMERCE, and of carriers under CARRIERS. Matters applicable to corporations in general appear under CORPORATIONS. Powers of states or municipalities to aid railroads and liabilities incurred by them for that purpose will be found under STATES, MUNICIPAL CORPORATIONS, COUNTIES, TOWNS. Grants of rights of way through public lands, or of public lands in aid of railroads, appear under PUBLIC LANDS. The exercise by railroad companies of the power of eminent domain, and rights and remedies of owners of property taken or injured, are considered under EMINENT DOMAIN. Railroad companies as employers fall within the scope of MASTER AND SERVANT, and the carriage of passengers and goods will be found under CARRIERS. Railroads in city streets will appear under STREET RAILROADS, and taxation of railroads under TAXATION.

RAPE.

This offense, within the scope of this topic, includes sexual intercourse with a female, without her consent, or where her consent is extorted by fear or obtained by fraud, or with a female who either is in fact or is deemed in law incapable of such consent, and attempts and assaults with intent to commit such offense and aiding therein. It also includes the compulsion of a woman to marry or to be defiled, nature and extent of criminal responsibility therefor, and grounds of defense, and the prosecution of such acts as public offenses. Indecent assaults without intent to commit rape are considered under ASSAULT AND BATTERY, and abduction of a female for purposes of sexual intercourse is found under ABDUCTION.

REAL ACTIONS.

This topic includes actions for recovery of specific real property founded on right of property therein, with or without incidental recovery of damages for detention of profits thereof, more particularly writs of right, writs of formedon, statutory petitory actions, etc., and the nature and scope of the remedy in general, review of proceedings, and costs in such actions. Real actions founded on mere right of possession are considered under ENTRY, WRIT OF, FORCIBLE ENTRY AND DETAINER. Writs of right of dower will be found under DOWER. Recovery of possession merely of real property and damages for detention thereof fall within the scope of EJECTMENT, TRESPASS TO TRY TITLE. Actions for damages for wrongful entry upon or injury to real property are considered under TRESPASS.

RECEIVERS.

This topic deals with the care, management, and disposition of property, the subject of or involved in civil actions, by a person specially appointed by the court for the purpose either of preservation of the property pending litigation or of execution of judgment therein. It also includes actions by and against receivers, liabilities on and enforcement of securities given to obtain or dissolve receiverships, and liabilities for wrongful procuring of appointment of receivers. Sequestration of property subject to conflicting claims or to liens or other special rights, to preserve it during litigation or to enforce orders or judgments, will be found under SEQUESTRATION. Receiverships in actions or proceedings for particular forms of relief, or affecting particular kinds of property, fall within the scope of PARTNERSHIP, CORPORATIONS, BANKS AND BANKING, RAILROADS, PATENTS, MORTGAGES, and other specific heads. Where the receivership is merely incident to other remedies, it is considered under EXECUTION and other specific heads. The jurisdiction in regard to receiverships of particular courts is under COURTS, and the review of decisions relating to receiverships under APPEAL AND ERROR.

RECEIVING STOLEN GOODS.

Fraudulently receiving or concealing property stolen, embezzled or obtained by false pretenses, by another, knowing it to have been so stolen, embezzled, or obtained, are within the scope of this topic; together with the prosecution of such acts as public offenses. Liabilities of persons receiving such goods as accessories to larceny, etc., will be found under LARCENY and other specific heads.

RECOGNIZANCES.

Obligations of record, entered into before a court or officer duly authorized, as security for the performance of some particular act required in a judicial proceeding, are included within the scope of this topic, together with proceedings to enforce liabilities of sureties on such obligations. Recognizances incident to particular proceedings will be considered under BAIL, BREACH OF THE PEACE, APPEAL AND ERROR, COSTS, and other specific heads.

RECORDS.

This topic includes public memorials in writing of acts, transactions, and proceedings and instruments in writing or copies thereof, preserved as evidence of the matters to which they relate, more particularly matters affecting title to or interest in property, and registration of titles to land. The topic also treats of supplying lost records, and establishing titles after loss or destruction of records thereof, and offenses of altering, defacing, mutilating, or destroying public records. Records of particular judicial proceedings will be found under JUDGMENT and titles of particular proceedings. Transcripts and abstracts of such records for purpose of review thereof are considered under APPEAL AND ERROR and other specific heads. Recording particular instruments, and effect of record or failure to record, in general, will be found under DEEDS, MORTGAGES, and titles of particular instruments. Operation of record as constructive notice to purchasers, mortgagees, etc., will be considered under VENDOR AND PURCHASER, MORTGAGES. The duties, rights, and liabilities of recording officers are considered under REGISTERS OF DEEDS.

REFERENCE.

Decisions concerning judicial examination and determination of issues and questions arising in civil cases in general, by persons especially selected for the purpose, are considered under this title. The right to trial by jury, and waiver thereof in general, fall within the scope of JURY. References in particular forms or classes of actions will be found under DIVORCE, ACCOUNTS, ACTION ON, and other specific heads. References to matters in equity, auditors, etc., to inform the court, will be found under EQUITY and titles to particular proceedings. Submission of controversies to arbitrators, chosen

by the parties, fall within the scope of ARBITRATION AND AWARD, and submission of controversies to the courts on statements of facts agreed on without action will be found under SUBMISSION OF CONTROVERSY.

REFORMATION OF INSTRUMENTS.

Under this topic are actions for correction of instruments in writing, which fail to express the real intention of the parties thereto, in order that such instruments may conform to such intention, review of proceedings, and costs in such actions. Mistake, fraud, etc., as grounds of invalidity of conveyances or contracts, or as defenses to actions thereon, will be considered under DEEDS, CONTRACTS, and titles of particular classes of conveyances and contracts. Actions for cancellation or surrender of instruments in writing are included under CANCELLATION OF INSTRUMENTS, and alteration of instruments in writing under ALTERATION OF INSTRUMENTS.

REFORMATORIES.

Institutions for promoting reform of offenders, more particularly of juvenile delinquents, whether founded or maintained by private means, or in part or wholly by the government, and the rights, powers, duties, and liabilities of managers and other officers, are included in this topic. Powers of incorporated cities, towns, etc., in respect of establishment, maintenance, etc., of reformatories, will be found under MUNICIPAL CORPORATIONS, and reformatories regarded as charitable institutions under CHARITIES.

REGISTERS OF DEEDS.

This topic deals with public officers authorized to keep records of instruments in writing, their appointment, qualification, tenure of office, their rights, powers, duties, and liabilities in general. The recording of instruments and effect thereof will be found under RECORDS.

RELEASE.

This topic treats of the relinquishment of a right or claim to the persons against whom it is to be exercised or enforced, whether the claim be express or implied, or is created by agreement or act of the parties; evidence relating thereto; right to rescind release; and pleading release and proof thereof as a defense. Discharge by operation of insolvent or bankrupt laws falls within the scope of INSOLVENCY, BANKRUPTCY. Discharge by compromise or other settlement will be found under COMPROMISE AND SETTLEMENT, and discharge by composition under COMPOSITION WITH CREDITORS. Release by accord and satisfaction will be found under ACCORD AND SATISFACTION, and release of particular classes of persons will be treated under INFANTS, INSANE PERSONS, and

other specific heads. The release of persons in particular representative and fiduciary relations will be treated under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, ATTORNEY AND CLIENT, TRUSTS, and other specific heads. The release of particular rights and interests in real property will be found under DOWER, MORTGAGES, LIENS, and other specific heads. Conveyances by way of release will be found under DEEDS, and release from particular kinds of liability will be considered under BILLS AND NOTES, PRINCIPAL AND SURETY, GUARANTY, and other specific heads. Compelling cancellation or surrender of release will be found under CANCELLATION OF INSTRUMENTS.

RELIGIOUS SOCIETIES.

Matters relating to bodies incorporated or unincorporated, formed for purposes of religious worship, instruction, etc., are considered under this topic. Charitable societies fall within the scope of CHARITIES, and matters relating to corporations or unincorporated associations in general will be considered under CORPORATIONS, ASSOCIATIONS.

REMAINDERS.

This topic deals with the nature and incidents of estates to take effect after the determination of preceding estates, rights, powers, and liabilities of remaindermen, and remedies relating thereto. Creation of such estates, and distinction between vested and contingent remainders, will be found under DEEDS, WILLS, and duties and liabilities of life tenants as to remaindermen will be considered under LIFE ESTATES.

REMOVAL OF CAUSES.

This topic treats of the transfer of causes brought in the state courts, to courts of the United States; proceedings to obtain removal; and remand of or proceedings in cause after removal. Removal of causes from one court to another court of a state or of the United States will be considered under COURTS, and change of venue or of place of trial under VENUE, CRIMINAL LAW.

REPLEVIN.

Actions for recovery of specific personal property by immediate delivery thereof, founded on right of possession, more particularly writs of replevin and statutory actions of claim and delivery, actions to recover chattels, and bail trover, are included within the scope of this topic, together with the review of proceedings, costs, and liabilities on and enforcement of securities given in such actions. Actions founded on right of property will be found under DETINUE. Summary proceedings to determine and restore previous possession are

treated under POSSESSORY WARRANT. Actions for damages merely, for injuring, taking, converting, or detaining personal property, will be found under TRESPASS, TROVER AND CONVERSION.

REPORTS.

Matters relating to publications of judicial decisions for general circulation, the right to publish or control publication of such decisions in general, laws relating to such publication, public officers charged with the preparation and publication of such reports, are included within the scope of this topic, together with the contracts for the publication and sale of such reports and rights and liabilities arising therefrom. Questions relating to stenographer's reports of judicial proceedings will be considered under COURTS, EXCEPTIONS, BILL OF, APPEAL AND ERROR, and other specific heads. Reports of referees, masters, commissioners, auditors, etc., are included in REFERENCE, EQUITY.

RESCUE.

The delivery of and attempts to deliver prisoners or property from lawful custody of officers or other persons, or from places where such prisoners or property are lawfully confined or held by force or fraud, will be included in this topic, together with the prosecution of such acts as public offenses. Resisting or obstructing execution of process will be found under OBSTRUCTING JUSTICE, and escape by prisoners themselves under ESCAPE.

REVERSIONS.

This topic includes the nature and incidents of ulterior estates remaining in grantors of particular estates and the remedies relating thereto. Creation of such estates will be found in DEEDS, and reversions after terms of years will be considered under LANDLORD AND TENANT.

REVIEW.

This topic treats of the review by superior courts of judicial actions of inferior tribunals or officers, or of their own decisions, for causes arising subsequently or otherwise not ground of appeal, or in proceedings not reviewable by appeal, writ of error, or certiorari, proceedings to obtain review; proceedings on review; review of proceedings; and costs in such proceedings. The review of judgments on motion in courts in which they were rendered will be considered under JUDGMENTS, and bills of review in courts of equity under EQUITY. Relief against judgments on equitable grounds will be considered under JUDGMENTS, and relief on grounds of defense or discharge arising subsequently will be found under AUDITA QUERELA. Review by higher courts of proceedings for errors or irregu-

larities therein on appeal or writ of error will be found under APPEAL AND ERROR, and review by statutory writ of review in the nature of writ of certiorari will be found under CERTIORARI.

REWARDS.

This topic treats of offers by private persons or by the government of a premium or compensation for a special or extraordinary service not limited to any particular person or persons, together with actions for such rewards. The effect on rights of finders of lost goods of offer of reward for recovery thereof will be considered under FINDING LOST GOODS, and bounties for enlistment in the public service or engaging in particular industries or performing other acts for the public benefit will be found under BOUNTIES.

RIOT.

This offense consists in the tumultuous disturbance of the public peace by a number of persons mutually assisting one another in the execution of a common purpose by the use of force, and the topic further includes the prosecution of such acts as public offenses. Disturbance of the peace by fighting in a public place will be considered under AFFRAY. Assemblages of persons for an unlawful purpose, which is not carried into execution, are within the scope of UNLAWFUL ASSEMBLY, and liabilities of counties or cities for injuries by rioters will be considered under COUNTIES, MUNICIPAL CORPORATIONS.

ROBBERY.

This offense consists in taking, with intent to steal, personal property in possession of another, from his person or in his presence, against his will, by force or by putting him in fear, and attempts and assaults with intent to commit such offense; and the topic further includes the prosecution of such acts as public offenses. Larceny from the person without force or intimidation will be found under LARCENY, and making threats with intent to obtain money or other property will be found under THREATS.

SALES.

This topic treats of the transfers of ownership of personal property absolute or conditional, for a price in money or its equivalent, and the contracts for such transfers, express or implied, executory or executed, bills of sale and other instruments in writing, conveying absolute title to goods not given as security merely. The topic further includes remedies relating to such transfers. Sales of real property fall within the scope of VENDOR AND PURCHASER, and transfers by way of barter or exchange are found under EXCHANGE OF PROPERTY. Bills of sale as securities for payment of debts are

considered under CHATTEL MORTGAGES, and transfers of rights in action under ASSIGNMENTS. Sales by or to particular classes of persons are considered under such topics as INFANTS, INSANE PERSONS. Sales by or to persons in representative or fiduciary relations are treated under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, BROKERS, FACTORS, TRUSTS, and other specific heads. Sales of particular species of property will be found under SHIPPING, GOOD WILL, PATENTS, and other specific heads. Regulations of sales of particular articles are included under FOOD, INTOXICATING LIQUORS, POISONS, DRUGGISTS, WEAPONS, EXPLOSIVES, and other specific heads. Sales in execution of powers in general appear under POWERS; enforcement by sale of mortgages, under CHATTEL MORTGAGES. Enforcement of pledges by sale appears under PLEDGES. Sales by assignees for benefit of creditors, receivers, etc., will be found under ASSIGNMENTS FOR BENEFIT OF CREDITORS, RECEIVERS. Sales under judgments, decrees, and orders of courts fall within the scope of JUDICIAL SALES, and sales under judicial process appear under ATTACHMENT, EXECUTION, SHERIFFS AND CONSTABLES. Sales for taxes are included under TAXATION, and requirements of statute of frauds under FRAUDS, STATUTE OF.

SALVAGE.

Decisions relating to allowances made by law out of the value or proceeds of vessels or cargoes saved in whole or part from danger or loss, to persons by whose assistance they were so saved, whether made by way of compensation or otherwise, are included within the scope of this topic, together with lien for salvage, apportionment of amount awarded, proceedings for recovery of salvage. Jurisdiction and procedure in admiralty in general will be considered under ADMIRALTY.

SCHOOLS AND SCHOOL DISTRICTS.

This topic includes institutions for instruction below the grade of colleges or universities, whether maintained by private means for individual benefit or by government as common or public schools, and bodies formed for maintenance of such institutions, whether unincorporated or incorporated by special charters or under general laws or formed by territorial subdivision of counties, towns, or cities, employment of teachers, and supervision of schools. Public lands reserved as school lands, but not allotted to school districts, will be considered under PUBLIC LANDS, and taxation for school purposes under TAXATION.

SCIRE FACIAS.

This topic deals with writs of scire facias for enforcement of obligations of record, together with proceedings thereon, judgment and enforcement thereof, review of proceedings, and costs in such proceed-

ings. Writs of scire facias and proceedings by motion or by action to continue or revive actions will be found under ABATEMENT AND REVIVAL. Writs to revive judgments will be found under JUDGMENT, and writs to revive executions under EXECUTION. Writs to enforce forfeited bail bonds and recognizances appear under BAIL, RECOGNIZANCES, and writs to foreclose mortgages under MORTGAGES. Writs to enforce mechanics' liens will be found under MECHANICS' LIENS, and for other special purposes under specific heads relating to such purposes.

SEALS.

Signs and devices representing parties to instruments in writing, attached or affixed to such instruments to attest their genuineness or their formal execution, are considered under this topic, together with the necessity, attaching or affixing, and sufficiency thereof in general. The necessity, sufficiency, and effect of seals of particular classes of persons or officers or bodies corporate or politic and of seals to particular classes of instruments will be considered under specific heads relating to such classes of persons or instruments.

SEAMEN.

This topic treats of the employment, regulation, and protection of seamen; the mutual rights, duties, or liabilities of seamen and owners, charterers, and masters of vessels on which they are employed; and the liabilities to seamen of vessels, their cargoes and freight. Matters applicable to ordinary contracts of employment will be found under MASTER AND SERVANT, and those relating to salvage by seamen under SALVAGE.

SEARCHES AND SEIZURES.

Under this topic are included examination of persons or places for discovery of property stolen or otherwise unlawfully obtained or held, or of evidence of the commission of an offense; taking into legal custody such property or proofs, or property forfeited for violation of law; proceedings to enforce seizures and disposition of property seized; and liabilities for wrongfully procuring or making searches or seizures. Searches of persons incidental to arrest will be found under ARREST, and searches and seizures for enforcement of laws relating to particular subjects will be found under such topics as INTOXICATING LIQUORS, GAMING, LOTTERIES, CUSTOMS DUTIES, INTERNAL REVENUE. Seizures of piratical vessels will appear under PIRACY, and of vessels engaged in the slave trade under SLAVES. The operation of international law as to seizures will be considered under INTERNATIONAL LAW, and grounds of forfeiture for crime will be considered under FORFEITURES, and titles of specific subjects involving forfeitures.

SEDUCTION.

This offense consists in the enticement of an unmarried woman by a man to commit unlawful sexual intercourse with him. The nature and extent of right to recover damages therefor of a person entitled to the services of such woman or of a woman herself are also included in this topic, together with actions for such damages and criminal responsibility for such offense, and the prosecution thereof as a public offense. The effect of seduction in actions for breach of promise of marriage will be considered under BREACH OF MARRIAGE PROMISE, and criminal conversation and alienation of affections of husband or wife under the topic of HUSBAND AND WIFE. The offense of abduction will be treated under the topic ABDUCTION.

SEQUESTRATION.

This topic deals with the taking and keeping in legal custody of specific property as subject to conflicting claims of ownership, or to liens or other special rights, to preserve it during litigation, or so taking and disposing of property of defendants in civil actions, to compel them to appear and answer or perform any other act therein, or to preserve the property or to enforce performance of the judgment. The topic includes the enforcement of securities to obtain or dissolve sequestrations, and liabilities for wrongful procuring of sequestration. Attachment of property in general is considered under ATTACHMENT, and matters relating to receivership under RECEIVERS. Sequestration in actions for particular forms of relief or merely incidental to other remedies will be treated under CORPORATIONS, MORTGAGES, DIVORCE, and other specific heads. The review of decisions relating to sequestration appears under APPEAL AND ERROR.

SET-OFF AND COUNTERCLAIM.

Matters relating to cross demands and claims as grounds of defense to actions or of cross actions will be included under this topic, together with a consideration of the parties between whom such cross demands or claims can be urged and the actions in which they are available. Rights peculiar to particular transactions or forms of demand or liability will be found under BANKS AND BANKING, BILLS AND NOTES, INTEREST, COSTS, JUDGMENT, and other specific heads. Pleading set-offs and counterclaims, and replies to counterclaims, fall within the scope of PLEADING. Cross-bills in equity will be considered under EQUITY, and judgments on counterclaims under JUDGMENT. Set-off in proceedings other than actions will be considered under INSOLVENCY, BANKRUPTCY, and other specific heads.

SHERIFFS AND CONSTABLES.

Matters relating to the chief executive officers of counties and inferior officers authorized to perform the functions of peace officers within their counties or territorial subdivisions thereof are included in this topic, together with their eligibility, appointment, qualification, tenure of office, and the rights, powers, duties, and liabilities of such officers, their deputies, assistants, and substitutes in general. Marshals and police officers of incorporated cities, towns, etc., will be found under MUNICIPAL CORPORATIONS. Election of sheriffs or constables by popular vote will be considered under ELECTIONS, and mode of service and return of particular writs, warrants, etc., and performance of other specific duties and functions, will be found under PROCESS, ARREST, ATTACHMENT, EXECUTION, PRISONS, and other specific heads.

SHIPPING.

This topic deals with the building, regulation, ownership, and employment of vessels of every kind, the rights of property therein, the rights, duties, liabilities of owners, mortgagees, charterers, and masters of vessels in general, and the rights, duties, and liabilities of shippers and consignees of goods and of passengers, so far as the same are peculiar to transportation by water. The regulation of commerce is included in COMMERCE, and the rights of navigation in NAVIGABLE WATERS. Matters applicable to carriers in general will be found under CARRIERS, and to particular classes of persons employed on vessels under SEAMEN, PILOTS. Specific services rendered vessels and liens therefor will be found under SALVAGE, TOWAGE, WHARVES, MARITIME LIENS; and liabilities of vessels, their owners and charterers, for injuries to other persons employed on them, will be found under MASTER AND SERVANT. Liabilities for collision appear under COLLISION, and matters relating to insurance of vessels, cargo, freight, etc., under INSURANCE. Jurisdiction and proceedings in admiralty will be found under ADMIRALTY, and matters relating to piracy under PIRACY.

SIGNATURES.

Under this topic will be found matters relating to the names of parties to instruments in writing affixed to such instruments to give them validity or authenticate them, the necessity, making, and sufficiency thereof in general. The necessity, sufficiency, and effect of signatures by particular classes of persons or officers or of signatures to particular classes of instruments will be found under specific heads dealing particularly with such classes of persons or officers or classes of instruments.

SLAVES.

Under this topic will be found matters relating to persons held as property by others; the nature, origin, legality, and abolition of slavery; the slave trade; property in slaves, and incidental rights, duties, and liabilities, and transfers of slave property. It also includes reclamation of fugitive slaves, regulation of slaves, freedmen, and free negroes incident to the existence of slavery, and violations of such regulations, together with the disabilities of slaves and their descendants arising from their condition of servitude, and offenses by or against slaves. The topic further covers manumission, emancipation, and proceedings to obtain or establish freedom. Marriage of slaves will be found under MARRIAGE, and protection against discrimination by reason of former condition will be considered under CIVIL RIGHTS.

SODOMY.

This offense consists in the unnatural carnal copulation between human beings, or between a human being and a beast, and attempts and assaults with intent to commit such offenses, and aiding therein. The prosecution of such acts as public offenses is also included within the scope of the topic.

SPECIFIC PERFORMANCE.

This topic deals with actions to compel performance of contracts by parties thereto, and review of such proceedings, and costs incurred therein. The requisites, validity, and construction of contracts in general will be found under CONTRACTS, and of particular classes of contracts under VENDOR AND PURCHASER, and other specific heads, and requirements of statute of frauds will be considered under FRAUDS, STATUTE OF.

SPENDTHRIFTS.

This topic includes matters relating to persons incapacitated by their wastefulness, their rights and disabilities in general and control and protection of their property, together with legal proceedings affecting such persons. The creation and operation of spendthrift trusts will be found under TRUSTS, and testamentary capacity of persons adjudged spendthrifts will be found under WILLS.

STATES.

This topic deals with the several bodies politic forming by their union the United States of America, status, organization, powers, and relations to each other of the governments existing before the Constitution of the United States as separate colonies, and under the Articles of Confederation. It also includes the relations of states to the United States and to each other under the Constitution, the admission

of new states into the Union, the boundaries of states, status of states in insurrection or rebellion, and of seceded and Confederate states. The topic further includes the rights and powers of state governments in general, of state legislatures, and of governors and executive officers and agents of states in general, state property, contracts, right to priority of payment, indebtedness, bonds, and other securities, claims against states, and actions by or against states. The nature of the union between the states and the powers of the national government will be considered under UNITED STATES. The regulation of interstate commerce will be found under COMMERCE, and extradition between states under EXTRADITION. Distribution of powers among the legislative, judicial, and executive departments of state governments is considered under CONSTITUTIONAL LAW. The election of members of state legislatures, governors, and other state officers will be found under ELECTIONS, and appointment of and matters relating to inferior officers in general under OFFICERS. Matters relating to citizens of the several states and their rights in general will be found under CITIZENS, CONSTITUTIONAL LAW, CIVIL RIGHTS. Questions relating to state courts will be considered under COURTS and particular subjects of jurisdiction; and those relating to judges and other officers of courts under JUDGES, CLERKS OF COURTS, and other specific heads. Matters connected with other classes of officers concerned in the administration of justice will be found under ATTORNEY GENERAL, SHERIFFS AND CONSTABLES, and other specific heads. The removal of causes from state courts to courts of the United States will appear under REMOVAL OF CAUSES. The power of eminent domain is treated under EMINENT DOMAIN, and questions relating to taxation and revenue under TAXATION. Matters relating to public lands will be found under PUBLIC LANDS, and those relating to charitable and reformatory institutions under HOSPITALS, ASYLUMS, REFORMATORIES, PRISONS. Insurrection or rebellion will be treated under INSURRECTION, and military or naval forces under MILITIA.

STATUTES.

Included in this topic are written laws in general, and more particularly legislative acts, their enactment, amendment, revision, codification, suspension, expiration, repeal, and revival. The validity, construction, operation, and effect of statutes in general are included in this topic also, as well as pleading and proof of statutes. The constitution of legislative bodies and their proceedings other than in the passage of statutes will be found under UNITED STATES, STATES, TERRITORIES. Constitutional restrictions on passage of ex post facto and restrictive laws and laws impairing vested rights, obligations of contracts, etc., are treated under CONSTITUTIONAL LAW. Statutory provisions relating to particular subjects will be found under CIVIL RIGHTS, WILLS, DESCENT AND DISTRIBUTION, FRAUDS, STATUTE OF, LIMITATION OF ACTIONS, and other

specific heads. Contracts contrary to statutes are included under CONTRACTS, and special statutory remedies under ACTION and titles of particular forms and causes of actions. Statutory penalties are included under PENALTIES, and statutory offenses under CRIMINAL LAW and titles of particular offenses.

STEAM.

This topic includes regulation of the production and use of steam and of steam boilers, engines, and machinery in general; the supply of steam power or of steam for heating or other purposes; together with rights, duties, and liabilities incident thereto. The powers of municipalities in general will be found under MUNICIPAL CORPORATIONS. The duties and liabilities of employers are treated under MASTER AND SERVANT. Use of steam power in the operation of railroads and steam vessels will be treated under RAILROADS, STREET RAILROADS, SHIPPING.

STIPULATIONS.

Agreements between parties to actions or other proceedings or their attorneys or other representatives relating to proceedings therein are included in this topic. Authority of attorney to enter into stipulations will be found under ATTORNEY AND CLIENT. Construction and effect of stipulations relating to particular proceedings will be found under specific heads dealing with such proceedings. Stipulations in contracts will be considered under CONTRACTS and titles of particular classes of contracts. Stipulations as security in admiralty will be found under ADMIRALTY.

STREET RAILROADS.

Under this topic will be treated the construction and maintenance, regulation and operation, of railroads or tramways in streets of incorporated cities, towns, or villages, on the surface, or elevated, depressed, or underground. The topic will also include the organization of street railroad companies, and their rights, powers, and liabilities, in respect to grants and franchises and public aid, and the construction and maintenance of their roads and other property, and their ownership and conveyance thereof, and the rights and liabilities of their stockholders and officers. It will further include the rights, duties, and liabilities of street railroad companies as to the public and as to individuals, in respect of the management and operation of their roads, otherwise than in their capacities of employers or carriers. The regulation of carriers will be found under CARRIERS, and the regulation of railroads in general under RAILROADS. Matters applicable to corporations in general will be found under CORPORATIONS, and the powers of municipalities to grant and regulate franchises and rights of way in the streets, and their

powers to aid street railroads, and liabilities incurred by them for that purpose, will be found under MUNICIPAL CORPORATIONS. The exercise by street railroad companies of the power of eminent domain, and the rights and remedies of owners of property taken or injured, will be considered under EMINENT DOMAIN. Matters generally applicable to the use of particular motive powers will be found under STEAM, GAS, ELECTRICITY. Street railroad companies as employers will be considered under MASTER AND SERVANT. The carriage of passengers is included under CARRIERS, and taxation of street railroads under TAXATION.

SUBMISSION OF CONTROVERSY.

This topic treats of the submission of controversies to courts for determination on a statement of facts agreed to by the parties without action, and proceedings on such submission. The entry and effect of judgments rendered on submissions, and agreed statements of facts, will be found under JUDGMENT; and statements of cases reserved on trial for decision of questions of law will be treated under TRIAL. Statements of cases or questions certified or reported by one court to another for decision will appear under APPEAL AND ERROR, COURTS.

SUBROGATION.

The substitution in place of creditors, and succession to creditors' rights and remedies, of persons paying debts for which they were not primarily liable, whether payment be in pursuance of an agreement for such substitution or for the protection of the interest of the person making it, will be treated under this topic, together with the remedies of parties in respect of such subrogation. Subrogation of insurers to rights and remedies of insured will be found under INSURANCE.

SUBSCRIPTIONS.

Under this topic will be included matters relating to promises in writing by one or more persons to contribute money or other property absolutely or conditionally for purposes of a charitable, educational, religious, or other public nature, together with the acceptance of such promises, and performance of conditions thereof, and rights and liabilities of the parties thereupon. Actions on such subscriptions will also be found under this topic. Subscription of written instruments in general will be included under SIGNATURES, and subscriptions in consideration of an equivalent to be rendered will be found under CONTRACTS. Subscriptions to corporate stock, corporate or municipal bonds, or other securities will be treated under CORPORATIONS, MUNICIPAL CORPORATIONS.

SUICIDE.

The scope of this topic includes intentionally killing or attempting to kill one's self, and aiding or advising another to kill himself, together with the criminal responsibility for such acts, and prosecution thereof as public offenses. The effect of suicide on life insurance is considered under INSURANCE, and homicide committed in attempting suicide under HOMICIDE.

SUNDAY.

Matters relating to the first day of the week as a day of rest, and more particularly its observance by suspension of ordinary business and judicial and other proceedings, will be treated under this topic. The effect of violation of laws requiring observance of the day on validity of acts, transactions, and proceedings affected, and on the rights and remedies of persons engaged therein, is within the scope of this topic. Prosecutions of such violations as public offenses will also be found under this topic. Restrictions on grounds other than the character of the day, as regulations of sale of intoxicants, will be found under INTOXICATING LIQUORS; and omission of Sunday in computation of time will be found under TIME, and particular acts and proceedings under other heads.

SUPERSEDEAS.

This topic deals with the express suspension by writ or other mandate, or order of court, of enforcement of judgments or orders, or of execution of writs or other process or of other judicial proceedings. The review of supersedeas proceedings and costs in such proceedings are also included within the scope of the topic. Review of proceedings in actions by writ of supersedeas will be found under APPEAL AND ERROR. Other writs and proceedings operating by way of supersedeas or stay pending proceedings for review will be considered under APPEAL AND ERROR, CERTIORARI, HABEAS CORPUS, and other specific heads. Injunctions restraining judicial proceedings are treated under INJUNCTION, and orders in actions or other proceedings staying prosecution thereof or particular steps therein will be found under ACTION, JUDGMENT, and other specific heads.

TAXATION.

Under this topic will be found the exaction of regular contributions from persons or property for support of the government in general, and more particularly such contributions imposed by authority of state legislatures. It also includes the nature, extent, and delegation of the power to tax in general, the subjects of taxation and exemptions, the uses or purposes for which taxes may be levied, the levy, assessment, lien, collection, and payment of taxes, and remedies for erroneous taxation. It further includes forfeitures and penal-

ties for failure to comply with tax laws, sales of property for nonpayment of taxes, redemption from tax sales, rights and titles of purchasers at such sales, and the disposition of proceeds of such taxes. Duties on imports and exports, and excise and other internal taxes imposed by the United States, will be treated under CUSTOMS DUTIES, INTERNAL REVENUE. License fees, and taxes on occupations and privileges, will be considered under LICENSES, INTOXICATING LIQUORS, and titles of particular occupations. Municipal and other local taxation, and local assessments for public improvements, will be considered under MUNICIPAL CORPORATIONS, TOWNS, SCHOOLS AND SCHOOL DISTRICTS, HIGHWAYS, LEVEES, DRAINS, and other specific heads.

TELEGRAPHS AND TELEPHONES.

This topic treats of the construction, maintenance, regulation, and operation of lines and other apparatus for communication by means of electricity; the organization, franchises, and powers of telegraph and telephone companies, and the rights, duties, and liabilities of such companies as to the public, and as to individuals, in respect to the management and operation of their lines. Regulation of commerce will be included under COMMERCE, and matters applicable to corporations in general under CORPORATIONS. The powers of municipalities to grant and regulate franchises and rights of way in the streets, and use of telegraph or telephone lines by municipal corporations incident to their governmental functions, will be found under MUNICIPAL CORPORATIONS. The exercise of the power of eminent domain, and rights and remedies of owners of property taken or injured, will be included under EMINENT DOMAIN, and the taxation of telegraph or telephone lines under TAXATION.

TENANCY IN COMMON.

Under this topic will be found the nature and incidents of the estates of two or more persons in the same property held by them by several and distinct titles; the rights, powers, and liabilities of tenants in common; actions and other proceedings between, by, or against them; and severance of the tenancy otherwise and by partition. Rights of partners in firm property will be considered under PARTNERSHIP, and partition of property held in common under PARTITION.

TENDER.

Included in this topic will be the offer of money or its equivalent in satisfaction of pecuniary obligations in general; the nature, requisites, sufficiency, and effect of such tender; the acceptance and refusal thereof; payment into court incident thereto; and pleading tender. Tender of performance of contract will be found under CONTRACTS, SPECIFIC PERFORMANCE, and titles of particular classes of con-

tracts. The effect of tender on liabilities for interest goes to INTEREST, and effect of tender on liabilities for costs goes to COSTS. The disposition of money paid into court will be considered under DEPOSITS IN COURT.

TERRITORIES.

This topic treats of the territory of the United States not contained within the boundaries of any of the several states; the powers of the national government over such territory; application of laws of the United States thereto; establishment and organization of territorial government; appointment of governors and other officers thereof; and rights, powers, proceedings, and liabilities of such governments, their officers and agents. Actions by or against territories will also be found under this topic. The admission of territories into the Union as states will be considered under STATES. Election of members of territorial legislatures and other territorial officers will be found under ELECTIONS. Questions relating to citizens in the territories, and their rights in general, will be considered under CITIZENS, CONSTITUTIONAL LAW, CIVIL RIGHTS. Matters relating to territorial courts will be found under COURTS and particular subjects of jurisdiction. Judges and other officers thereof will be included under JUDGES and CLERKS OF COURTS and other specific heads. The power of eminent domain will be considered under EMINENT DOMAIN, and questions relating to taxation and revenue under TAXATION. Matters relating to public lands will appear under PUBLIC LANDS.

THEATERS AND SHOWS.

The regulation of all exhibitions for public amusement, and rights and liabilities of the proprietors or managers, and the persons attending, will be considered under this topic. Discriminations as to admission or accommodations by reason of race, color, etc., will be dealt with under CIVIL RIGHTS, and special regulations as to employment or admission of children will be considered under INFANTS.

THREATS.

Included in this topic will be obtaining or attempting to obtain from another, without color of right, money or other property, or the execution, alteration, or destruction of a valuable security or other instrument in writing, by menaces, either in words, or in acts, or of injury to person, property, or rights, or of accusation of crime or other injury to reputation. It also includes the nature and elements of the crime of extortion not under color of office or right, sending threatening letters, levying blackmail, etc., together with the prosecution of threats as public offenses. The effect of duress by menaces is

considered under CONTRACTS, DEEDS, CANCELLATION OF INSTRUMENTS. Threats as ground for requiring security to keep the peace fall within the scope of BREACH OF THE PEACE. Threats as evidence of commission of particular offenses and as justification of homicide, assault, etc., will be found under HOMICIDE, ASSAULT AND BATTERY, and other specific heads. Robbery by putting in fear is treated under ROBBERY, and extortion or oppression under color of office or right will be found under EXTORTION. Mailing matter in which threatening language is written or printed will be found under POST OFFICE.

TIME.

This topic treats of the measure of duration, the calendar and divisions thereof, and the rules of computation of time in general. Times prescribed for particular acts and proceedings, and effect of lapse of time, will be treated under PAYMENT, ADVERSE POSSESSION, LIMITATION OF ACTIONS, EQUITY, and other specific heads.

TORTS.

Injuries from breach of duty or obligation not founded on contract, as affecting only the person injured and not the public, will be considered under this topic, together with the nature and extent of the liability of the wrongdoers in general, and civil remedies for such injuries. Injuries committed by particular classes of persons will be found under INFANTS, INSANE PERSONS, PARTNERSHIP, ASSOCIATIONS, JOINT-STOCK COMPANIES, CORPORATIONS. Liabilities of persons in particular personal relations will be treated under HUSBAND AND WIFE, PARENT AND CHILD, MASTER AND SERVANT, and other specific heads. Injuries incident to particular occupations or transactions will be considered under PHYSICIANS AND SURGEONS, WAREHOUSEMEN, CARRIERS, and other specific heads. Injuries affecting particular kinds of property or estates or interests in property will be considered under MINES AND MINERALS, WATERS AND WATER COURSES, ANIMALS, LANDLORD AND TENANT, EASEMENTS, and other specific heads. Particular forms of injury to person or property will be found under ASSAULT AND BATTERY, DEATH, NEGLIGENCE, FRAUD, and other specific heads. Distinction between actions on contract and actions of tort fall within the scope of ACTION, and election between actions on contract and actions of tort will be considered under ELECTION OF REMEDIES. Particular remedies for torts will be found under TRESPASS, ACTION ON THE CASE, TROVER AND CONVERSION, and other specific heads. The measure of damages for torts will be considered under DAMAGES and titles of particular injuries. Wrongful acts as public injuries are treated under CRIMINAL LAW and titles of particular offenses.

TOWAGE.

Included in this topic will be the employment of tugs or vessels of any kind to expedite the progress of other vessels, and the mutual rights, duties, and liabilities of tugs and tows, and their respective owners, charterers, and masters. Matters applicable to vessels in general will be found under SHIPPING. Salvage by tugs, and towage as a salvage service, will be considered under SALVAGE, and collisions of tugs or tows with other vessels will be found under COLLISION.

TOWNS.

Under this topic will be included the secondary territorial divisions of states or territories for political purposes, whether grouped to form counties or formed by subdivisions of counties, and whether designated as towns or townships. The topic will further include the status of towns as bodies politic and corporate, their creation, organization, boundaries, alteration, and discontinuance. Matters pertaining to town meetings in general, local boards and officers, and their rights, powers, proceedings, and liabilities, will also be included in this topic, together with matters relating to town property, contracts, indebtedness, bonds, and other securities. Town taxes and claims against towns, and actions by or against towns, are also included in this topic. Subdivisions of public lands into townships, and town-site entries of such lands, will be found under PUBLIC LANDS. Subdivisions of towns for special purposes will be considered under SCHOOLS AND SCHOOL DISTRICTS, HIGHWAYS, ELECTIONS, and other specific heads. Matters pertaining to towns, villages, etc., incorporated by special charters or under general laws, will be found under MUNICIPAL CORPORATIONS. The election of town officers will be considered under ELECTIONS, and matters pertaining to public officers in general under OFFICERS. Questions relating to town roads will be considered under HIGHWAYS, and those relating to bridges under BRIDGES. The relief of the poor falls within the scope of PAUPERS, and charitable and reformatory institutions are included under HOSPITALS, ASYLUMS, REFORMATORIES, PRISONS. Matters relating to municipal corporations in general are treated under MUNICIPAL CORPORATIONS.

TRADE-MARKS AND TRADE-NAMES.

This topic deals with marks, devices, and names, and other words used in trade to identify goods or business or place of business of a particular manufacturer or dealer, as distinguished from those of others. The topic also includes the registration and regulation of such marks, the nature and incidents of rights to exclusive use of such marks, names, etc., the infringement of such rights, and remedies relating thereto. Personal rights in respect to names will be considered under NAMES.

TRADE UNIONS.

This topic treats of bodies formed by the association of workmen of the same trade or of allied trades for the purpose of regulating conditions of work and relations between employers and employés. Matters relating to such unions as societies for mutual benefit or aid only will be found under BENEFICIAL ASSOCIATIONS, and those relating to associations in general under ASSOCIATIONS. Boycotts and other conspiracies will be included under CONSPIRACY. Riots and other illegal acts accompanying strikes are within the scope of RIOT and other specific heads. The restrictions of employers as to membership of employés in unions will be considered under MASTER AND SERVANT.

TREASON.

This topic deals with breach of allegiance by levying war against the government, adhering to or aiding its enemies, or the concealment of such treasonable acts of others. The topic also includes prosecution of such acts as public offenses. Matters pertaining to treasonable conspiracies will be treated under CONSPIRACY, and those relating to seditious acts and practices in insurrections, revolts, etc., under INSURRECTION.

TREATIES.

Agreements between independent nations, whether designated as treaties or conventions, compacts, etc., are within the scope of this topic, together with the nature and extent of the treaty making power, the making and abrogation of treaties, the requisites, validity, construction, operation, and effect of such agreements and violations of treaty obligations. Rights and powers of diplomatic officers are considered under AMBASSADORS AND CONSULS. Treaties with Indian tribes will be found under INDIANS, and treaty provisions relating to particular subjects under PUBLIC LANDS, EXTRADITION, and other specific heads. The termination of war by treaty of peace will be considered under WAR.

TRESPASS.

Included in this topic are injuries to person, property, or rights committed with force, not constituting or not regarded as a tort or offense of any distinct class; justification or excuse for such acts; nature and extent of liability for such injuries; actions of trespass and like actions for damages for trespasses; and criminal responsibility for malicious or wanton trespass. The topic also includes the prosecution of trespass as a public offense. Assault and battery will be considered under ASSAULT AND BATTERY, and false imprisonment under FALSE IMPRISONMENT. Liabilities for trespass by animals will be considered under ANIMALS, and rights,

powers, and liabilities of officers in execution of process under SHERIFFS AND CONSTABLES. The distinction between actions of trespass and other forms of action will be treated under ACTION. Proceedings in actions of trespass on the case are under ACTION ON THE CASE, and proceedings in trespass to try title will be found under TRESPASS TO TRY TITLE. Proceedings in forcible entry and detainer will be found under FORCIBLE ENTRY AND DETAINER, and the offense of malicious mischief will be considered under MALICIOUS MISCHIEF.

TRESPASS TO TRY TITLE.

Under this topic are included actions for recovery of specific real property, founded on right to damages for trespass thereon where the ownership is disputed, together with the review of proceedings and of costs in such action. Real actions in general founded on right of property will be found under REAL ACTIONS; and, if founded on mere right of possession, under ENTRY, WRIT OF. Actions founded on right of possession and right to damages for being deprived thereof are under EJECTMENT. Actions founded on forcible entry, unlawful detainer, etc., will be found under FORCIBLE ENTRY AND DETAINER. Actions for damages merely for trespass are under TRESPASS, and actions of trespass for recovery of mesne profits incidental to recovery of possession are included in REAL ACTIONS, ENTRY, WRIT OF, EJECTMENT.

TRIAL.

This topic includes the judicial examination and determination of issues in civil cases, more particularly of issues of fact by courts sitting with or without a jury; bringing cases to trial, notices of trial, notes of issue and calendars, and lists of cases for trial. It also includes the course and order of proceedings at trials in general, the reception of evidence and objections thereto, arguments and conduct of counsel, relative functions of court and jury, and instructions to jury in general. Custody and conduct of jury, verdicts or other findings of juries, and findings and decisions by courts on trials without a jury are also within the scope of this topic. Joinder of issues, and hearing of issues of law arising on demurrers, will be found under PLEADING. Place of trial is included under VENUE, and adjournment or postponement of trial is under CONTINUANCE. Right to trial by jury, and selection, impaneling, and swearing jury for trial, are within the scope of JURY. Trial by referees will be found under REFERENCE. The production of evidence, particularly documentary evidence, will be found under EVIDENCE, and attendance and examination of witnesses under WITNESSES. The weight and sufficiency of evidence in civil cases in general is under EVIDENCE, and the correction of errors and review of decisions at trials will be found under EXCEPTIONS, BILL OF, NEW TRIAL, APPEAL AND ER-

ROR, and other specific heads. Trials of issues in particular forms of action or peculiar to particular causes of action or defenses or matters of fact are under specific heads relating to such issues, forms of action, or causes of action. Hearings on particular writs and civil proceedings other than actions will be found under HABEAS CORPUS, SCIRE FACIAS, and other specific heads. Hearings in equity are under EQUITY, and those in admiralty under ADMIRALTY. Hearings in proceedings in probate courts will be found under COURTS, WILLS; and those under insolvent acts or bankrupt acts, under INSOLVENCY, BANKRUPTCY. Trial in criminal cases is within the scope of CRIMINAL LAW and titles of particular classes of crimes. Trials by justices of the peace will be found under JUSTICES OF THE PEACE. Hearings by courts on submission of controversies and statements of facts agreed upon are under SUBMISSION OF CONTROVERSY, and hearings by arbitrators, umpires, etc., under ARBITRATION AND AWARD.

TROVER AND CONVERSION.

This topic treats of dealings with personal property of others without authority, in a manner inconsistent with the rights of the owner or other person entitled to immediate possession, by wrongfully taking or retaining possession, altering the nature, quality, conditions, etc., thereof. It also includes justification or excuse for such acts, nature and extent of liability for such conversion, and actions of trover and like actions for damages for conversion. Conversion by persons having a special property in or right of possession of the subject-matter will be found under TENANTS IN COMMON, BAILMENT, CARRIERS, PRINCIPAL AND AGENT, FACTORS, and other specific heads. Remedies for recovery of possession of goods are considered under DETINUE, REPLEVIN.

TRUSTS.

This topic treats of the nature and incidents of estates in property the legal title or power of disposition of which is held by one or more persons wholly or in part for the use of another or others under an equitable obligation resting on such person or persons by reason of confidence reposed in him or them to deal with such property at the will or for the benefit of such other person or persons according to the confidence so reposed. It also treats of the judicial protection and control of such property and remedies and proceedings relating thereto. Conveyances in trust as security for payment of particular debts will be found under MORTGAGES, CHATTEL MORTGAGES. Conveyances for benefit of creditors in general are under ASSIGNMENTS FOR BENEFIT OF CREDITORS. Charitable uses are treated under CHARITIES. Restrictions on creation of perpetuities or trusts for accumulation will be found under PERPETUITIES. Trade combinations, pools, etc., are dealt with under MONOPOLIES,

CONTRACTS, CONSPIRACY. The validity and construction of particular deeds will be found under DEEDS. Marriage settlements are under HUSBAND AND WIFE, and devises and bequests under WILLS. The rights and liabilities of particular classes of persons in respect of trusts are considered under INFANTS and other specific heads. Personal relations of a fiduciary nature are treated under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, ATTORNEY AND CLIENT, PRINCIPAL AND AGENT, BROKERS, FACTORS, and other specific heads.

TURNPIKES AND TOLL ROADS.

The construction, maintenance, regulation, and use of wagon roads for passage over which tolls are taken fall within the scope of this topic, together with the organization, franchises, and powers of companies formed to construct and maintain such roads. This topic also includes the rights, duties, and liabilities of such companies as to the public and as to individuals in respect of the management and operation of their roads. Matters relating to toll bridges will be found under BRIDGES, and those applicable to corporations in general under CORPORATIONS. The powers of municipalities to aid such roads, and liabilities incurred by them for that purpose, will be found under MUNICIPAL CORPORATIONS, COUNTIES, TOWNS. The exercise of the power of eminent domain falls within the scope of EMINENT DOMAIN, and the taxation of such roads is considered under TAXATION.

UNDERTAKINGS.

This topic includes promises in writing not under seal given as security for the performance of some particular act required in a judicial proceeding, together with the proceedings to enforce liabilities of sureties. Undertakings incident to particular proceedings will be found under ARREST, BAIL, ATTACHMENT, INJUNCTION, REPLEVIN, APPEAL AND ERROR, COSTS, and other specific heads.

UNITED STATES.

This topic treats of the political entity formed by the adoption of the Constitution of the United States, the nature of the Union, the rights and powers of the national government in general, of Congress, and of the President and the executive departments and inferior officers in general. It also treats of the property of the United States, its contracts, right to priority of payment, indebtedness and bonds and other securities or claims against the United States, and actions by or against the United States. Relations of the states to the United States and to each other and their reserved rights and powers will be found under STATES. Powers over the territories are under TERRITORIES, and over the District of Columbia under

DISTRICT OF COLUMBIA. The government of Indian country and Indian reservations, and relations with the Indians, will be treated under the topic INDIANS. Relations with foreign countries will be found under INTERNATIONAL LAW, TREATIES, AMBASSADORS AND CONSULS, WAR. The regulation of interstate and foreign commerce is considered under COMMERCE, and of postal communications under POST OFFICE. The distribution of powers among the legislative, judicial, and executive departments of the government will be found under CONSTITUTIONAL LAW, and the election of members of Congress, the President, and other officers under ELECTIONS. Matters relating to officers in general will be found under OFFICERS. Citizens of the United States and of the several states and their rights in general are considered under CITIZENS, CONSTITUTIONAL LAW, CIVIL RIGHTS. Courts of the United States will be considered under COURTS and particular subjects of jurisdiction. Matters relating to judges and other officers of the court are treated under JUDGES, CLERKS OF COURTS, and other specific heads. All other classes of officers connected with the administration of justice are treated under ATTORNEY GENERAL, UNITED STATES COMMISSIONERS, UNITED STATES MARSHALS, and titles of other officers. The power of eminent domain will be considered under EMINENT DOMAIN, and the power of taxation and revenue under CUSTOMS DUTIES, INTERNAL REVENUE. Matters relating to public lands will be found under PUBLIC LANDS. Insurrection or rebellion will be treated under INSURRECTION, and military and naval forces under ARMY AND NAVY.

UNITED STATES COMMISSIONERS.

This topic treats of the commissioners of the circuit courts of the United States; their appointment, qualification, tenure, and removal; their jurisdiction and powers, and proceedings before them in general; and their rights, duties, and liabilities. The commissioners of state courts will be considered under COURT COMMISSIONERS; and commissioners in chancery, under EQUITY; and those in admiralty, under ADMIRALTY. Particular proceedings by or before commissioners will be treated under specific heads dealing with such particular proceedings.

UNITED STATES MARSHALS.

This topic deals with the marshals of the United States; their appointment, qualification, and tenure of office; the rights, powers, duties, and liabilities of such marshals, their deputies and assistants, in general. The marshal of the District of Columbia is within the scope of DISTRICT OF COLUMBIA, and the mode of service and return of particular writs, etc., and performance of other specific duties and functions, will be considered under ADMIRALTY, BANKRUPTCY, INTERNAL REVENUE, and other specific heads.

UNLAWFUL ASSEMBLY.

This topic includes the meeting of a number of persons with intent mutually to assist one another in the execution of a common purpose by the use of force or other unlawful intent, and attempting or threatening such use of force, but without actually putting their unlawful design into execution. This topic also includes the prosecution of such acts as public offenses. The right to assemble peaceably will be considered under CONSTITUTIONAL LAW, and riotous execution of common purpose of unlawful assembly under RIOT.

USE AND OCCUPATION.

Included in this topic are obligations implied or imposed by law to pay for use of real property of another, occupied by his permission, independent of any lease or agreement reserving or fixing a sum to be paid as rent, and the rights, liabilities, and remedies of the parties in general. Rights and liabilities as to rent and recovery thereof are considered under LANDLORD AND TENANT, and proceedings in actions of assumpsit will be found under ASSUMPSIT, ACTION OF.

USURY.

This topic treats of the compensation for use or forbearance of money at a rate greater than allowed by law, and the reserving, taking, or paying such unlawful rate. The topic also includes validity and effect of agreements therefor, pleading usury and proof thereof as a defense, and civil and criminal liabilities and remedies for violations of usury laws. Matters pertaining to the rate of interest allowed by law in general will be found under INTEREST, and on particular classes of transactions under BANKS AND BANKING, BUILDING AND LOAN ASSOCIATIONS, SHIPPING.

VAGRANCY.

Included within the scope of this topic are matters relating to idle, wandering or disorderly or criminal mode or course of life, punishable as such, independent of any specific offense, and the prosecution thereof as a public offense. Matters relating to vagrant children will be treated under INFANTS, and punishment of habitual criminals and successive convictions will be considered under CRIMINAL LAW.

VENDOR AND PURCHASER.

Contracts for transfer of ownership of real property for a price in money or its equivalent, executory or executed, and the rights and liabilities of parties to such contracts in general, and remedies relating thereto, are included within the scope of this topic. Transfers by way of exchange are under EXCHANGE OF PROPERTY. Sales by or to particular classes of persons will be found under ALIENS,

INFANTS, and other specific heads. Sales by or to persons in representative or fiduciary relations will be considered under GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PRINCIPAL AND AGENT, BROKERS, TRUSTS, and other specific heads. The sale of particular species of property will be found under PUBLIC LANDS, MINES AND MINERALS, HOMESTEAD, and other specific heads. Sales in execution of powers in general are under POWERS, and enforcement of mortgages by sale will be found under MORTGAGES. Sales by assignees for benefit of creditors, receivers, etc., are under ASSIGNMENTS FOR BENEFIT OF CREDITORS, RECEIVERS. Sales under judgments, decrees, and orders of court will be found under JUDICIAL SALES, INFANTS, GUARDIAN AND WARD, EXECUTORS AND ADMINISTRATORS, PARTITION. Sales under judicial process will be treated under ATTACHMENT, EXECUTION, SHERIFFS AND CONSTABLES. Sales for taxes will be found under TAXATION. The requirements of statute of frauds will be included in FRAUDS, STATUTE OF. Conveyances and merger of contracts therein will be found under DEEDS. Reforming or compelling cancellation or surrender of contracts fall within the scope of REFORMATION OF INSTRUMENTS, CANCELLATION OF INSTRUMENTS. Compelling performance of contracts is included under SPECIFIC PERFORMANCE, and subrogation to lien or other rights of vendor will be found under SUBROGATION.

VENUE.

This topic includes the place in which actions should be brought and tried in general, distinctions in respect thereof between local and transitory actions, grounds for change of venue or place of trial, proceedings for change of venue, and effect of such change. Venue of actions by or against corporations will be found under CORPORATIONS and titles of particular classes of corporations. Venue of particular forms or classes of actions will be found under specific heads relating to such classes of actions. The place of bringing proceedings other than actions will be considered under HABEAS CORPUS and titles of other special proceedings.

WAR.

This topic includes armed contests between nations or states, and such contests within a nation or state which prevent the regular administration of the laws by the civil authorities, together with the power to make war and peace, and commencement and termination of hostilities, effect of existence of war and of martial law on civil rights, liabilities, and remedies, and rights of belligerents and of neutrals in general. It also includes measures for prosecution of war and exercise of war powers in general, embargo and nonintercourse acts, blockades, contraband goods, illegal trading, captures and prizes,

confiscation and sequestration of enemies' property, and occupation and conquest of enemies' territory. It also treats of martial law and administration thereof by courts-martial, military commissions, and other tribunals. Violations of neutrality laws will be considered under NEUTRALITY LAWS, and insurrection and rebellion, etc., as offenses, and suppression thereof by civil authority, under INSURRECTION. Treason by levying war falls within the scope of TREASON.

WAREHOUSEMEN.

The regulation and conduct of the business of storage and safekeeping for compensation of goods of any kind, whether ordinary goods in storehouses or at wharves, or valuables in safes or vaults of safe-deposit companies, grain in elevators, cattle in stockyards, etc., are included in this topic, together with the mutual rights, duties, and liabilities of persons engaged in such business and those dealing with them. Special deposits of money in banks or trust companies will be considered under BANKS AND BANKING. Liabilities of carriers as warehousemen fall within the scope of CARRIERS. Matters relating to United States bonded warehouses are considered under CUSTOMS DUTIES, INTERNAL REVENUE.

WASTE.

This topic treats of acts done or permitted by tenants holding particular estates in real property, causing permanent or lasting injury to the inheritance or to rights of those entitled in reversion or remainder. It also includes the remedies of persons who are injured by such waste. The rights and powers of tenants for life are included under LIFE ESTATES, and of tenants for years or at will under LANDLORD AND TENANT. The rights of tenants in common are to be found under TENANCY IN COMMON, and waste by guardians will be considered under GUARDIAN AND WARD. Waste by executors or administrators or trustees falls within the scope of EXECUTORS AND ADMINISTRATORS, TRUSTEES.

WATERS AND WATER COURSES.

Decisions relating to bodies and streams of water not capable of ordinary navigation, and surface and subterranean waters, are included in this topic, together with the rights and liabilities of proprietors of lands in respect of such waters, their sources, beds, flow, and use, dams and other embankments and flowage of lands thereby, and ice formed on such waters. It also includes actions relating to easements and other rights of property in such waters, construction and operation of works for supply, control, and use of water as a motive power for irrigation, for domestic or other purposes, whether under franchises granted therefor or directly by the government. This topic also includes the organization, franchises, and powers of

companies formed for the purpose of supplying water, the rights, duties, and liabilities of such companies or of municipalities in respect of the management and operation of their waterworks, and liabilities for obstruction, diversion, or pollution of water courses and remedies therefor. Waters capable of navigation as public highways fall within the scope of NAVIGABLE WATERS, FERRIES, CANALS. Floatage of logs will be treated under LOGS AND LOGGING. Matters relating to bridges will be treated under BRIDGES, and works for the protection or improvement of lands under LEVEES, DRAINS. Matters applicable to manufactures and corporations in general will be found under MANUFACTURES, CORPORATIONS. Bodies and streams of water as boundaries will be considered under BOUNDARIES.

WEAPONS.

This topic deals with the right to bear arms in self-defense or in defense of the state; the regulation of manufacture, dealing in, and use of weapons; liabilities for injuries therefrom caused by negligence; and offenses of having or carrying weapons concealed, or in any other manner prohibited. It also deals with pointing or shooting firearms not constituting any other distinct offense. Matters relating to the militia will be found under MILITIA. The introduction of weapons in the Indian country and sale to Indians will be treated under INDIANS. Specific injuries or crimes committed by use of weapons will be treated under ASSAULT AND BATTERY, HOMICIDE.

WEIGHTS AND MEASURES.

Standards of quantity established by public authority and enforcement of application of such standards to sales and other transactions in general are within the scope of this topic. Municipal ordinances will be treated under MUNICIPAL CORPORATIONS, and requirements as to weighing coal at mines for protection of miners will be found under MINES AND MINERALS.

WHARVES.

This topic includes the construction and maintenance, regulation, and use of wharves, piers, and docks for the landing of vessels, whether constructed under franchises granted therefor or directly by the government, and whether the use be subject to payment of wharfage or other fees or free. The topic also includes organization, franchises, and powers of wharf or dock companies, and rights, duties, and liabilities of such companies or of municipalities in respect of the management and use of their wharves, piers, or docks. Matters applicable to corporations in general will be found under CORPORATIONS. Powers of municipalities to grant and regulate wharf franchises fall within the scope of MUNICIPAL CORPORATIONS. The

exercise of the power of eminent domain will be found under EMINENT DOMAIN, and the rights and liabilities of riparian or littoral proprietors will be considered under NAVIGABLE WATERS. Dry docks and dockage of vessels therein are within the scope of SHIPPING, and liabilities of wharfingers as warehousemen will be considered under WAREHOUSEMEN.

WILLS.

Included in this topic are instruments in writing making dispositions of property to take effect at death; their nature, requisites, validity, incidents, construction, operation and effect; evidence relating thereto; the probate, establishment, and contest thereof; and estates created and conditions and restrictions imposed thereon. The topic further includes the rights and liabilities of devisees and legatees. Gifts in expectation of death are considered under GIFTS. Restrictions on creation of perpetuities or trusts for accumulations will be found under PERPETUITIES. Appointment, rights, powers, duties, and liabilities of executors and of administrators with will annexed are considered under EXECUTORS AND ADMINISTRATORS. The effect of intestacy is considered under DESCENT AND DISTRIBUTION, and legacy and succession taxes are treated under TAXATION.

WITNESSES.

This topic treats of the production of oral testimony at the trial of causes in general, civil or criminal, competency to testify, procuring attendance for that purpose, and production of documents by witnesses. It also includes the examination of witnesses, their credibility, and corroborating, impeaching, or contradicting their testimony. Witnesses attesting or subscribing instruments in writing will be treated under DEEDS, WILLS, and titles of particular instruments. Taking and use of testimony in writing will be treated under DEPOSITIONS, AFFIDAVITS. Competency of evidence in general, and of experts or others to testify as to matters of opinion, falls within the scope of EVIDENCE. Testimony in criminal prosecutions of accomplices, conspirators, and codefendants, and other matters peculiar to such prosecutions, will be treated under CRIMINAL LAW and titles of particular crimes. The crime of giving false testimony is considered under PERJURY.

WOODS AND FORESTS.

Matters relating to trees not grown for fruit or other annual products, protection and promotion of the growth of such trees and of forests, and nature, incidents, and rights of property in growing trees in general, are within the scope of this topic. The promotion of agriculture in general will be considered under AGRICULTURE, and the rights and liabilities incident to particular estates in land

will be treated under LIFE ESTATES, REMAINDERS, and other specific heads. Questions concerning trees on public lands will be found under PUBLIC LANDS. Specific remedies for cutting down or injuring trees will be considered under TRESPASS, WASTE. Matters relating to cutting and floating logs will be treated under LOGS AND LOGGING.

WORK AND LABOR.

This topic treats of obligations implied or imposed by law to pay for services rendered and materials furnished incident to the service, independent of any special relation or of any employment or promise to pay therefor. It also includes the rights, liabilities, and remedies of the parties in general. Agreements, express or implied, for hiring of services generally, will be found under MASTER AND SERVANT. Agreements for specific work will be treated under CONTRACTS. Recovery on quantum meruit for services rendered by particular classes of persons or incident to particular relations or occupations will be considered under ATTORNEY AND CLIENT, PHYSICIANS AND SURGEONS, and other specific heads. Proceedings in actions of assumpsit fall within the scope of ASSUMPSIT, ACTION OF.

§ 80. Statements of Facts, with Practical Hints on the Proper Way to Look up the Law.

(1) A contractor agreed to build a house in accordance with plans and specifications furnished by an architect and to the satisfaction of the architect. The materials furnished and services rendered by the contractor were in substantial compliance with the contract, but by mistake slightly wider clapboards were used in the gables of the house than were specified, and some of the boards used in the floors were wider than those called for. The usefulness and value of the house were not diminished thereby, and the difference in cost was less than $50. The last payment, amounting to $1,525, due under the contract, was not made. Can the contractor recover that payment?

11 Century Digest; topic, Contracts; V, Performance or Breach; (J) Substantial Performance; section 1353, Building Contracts; column 1619.

American Digests for 1897 and subsequent years; topic, Contracts; V, Performance or Breach. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivision.

9 Cyclopedia of Law and Procedure; topic, Contracts; IX, Discharge; Discharge by Performance; 3, Strict and Substantial Performance; page 601.

Text-books on Contracts, chapters or subdivisions on performance or discharge, and cases cited.

(2) A money package belonging to a bank was tendered to it by an express company an hour and a half after banking hours, and the express messenger was told by the bank teller that he would have to keep it until morning, as the bank vault was locked, and the cashier had gone with the keys. The package was taken back to the express office and locked in its safe, and during the night it was stolen. It was customary for the express company to deliver packages

after banking hours, and ordinarily delivery was made to the teller. Was the express company liable for the loss?

9 Century Digest; topic, Carriers; II, Carriage of Goods; (D) Transportation and Delivery by Carrier; 2, What Constitutes Delivery in General; section 287, Time of Making Tender of Goods; column 232.

American Digests for 1897 and subsequent years; topic, Carriers; II, Carriage of Goods; (D) Transportation and Delivery by Carrier. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Text-books on Carriers, and encyclopædias of law, same topic, chapters, or subdivisions on delivery by carrier, and cases cited.

(3) After a street had been graded in accordance with a contract with the city, the expense of the improvement was paid out of the general fund of the city. Subsequently the city attempted to assess the amount so paid on the abutting property. Had it authority to do so?

State statutes as to powers of cities to make improvements and levy cost thereof on property benefited. City charter on same point.

36 Century Digest; topic, Municipal Corporations; IX, Public Improvements; (E) Assessments for Benefits, and Special Taxes; 2, Purposes in General; section 1008, Improvements Previously Constructed and Paid for; column 1246.

American Digests for 1897 and subsequent years; topic, Municipal Corporations; IX, Public Improvements; (E) Assessments for Benefits, and Special Taxes. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Text-books on Municipal Corporations, and encyclopædias of law, same topic, chapters, or subdivisions on power to make public improvements and assess expense on abutting property, and cases cited.

(4) An insolvent corporation issued stock which was worthless in payment of an indebtedness. The creditor took the stock under an agreement with the corporation to allow it 20 per cent. on its par value. A judgment creditor of the corporation attempted to collect from the purchaser the 80 per cent. remaining unpaid and apply the same on his judgment. Was the purchaser liable?

State statutes as to liabilities of stockholders.

12 Century Digest; topic, Corporations; V, Members and Stockholders; (D) Liability for Corporate Debts and Acts; 8, Extent of Liability on Subscription; section 879, Liability of One Taking or Purchasing Stock at Less Than Par; column 966.

American Digests for 1897 and subsequent years; topic, Corporations; V, Members and Stockholders; (D) Liability for Corporate Debts and Acts. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Text-books on Corporations, chapters or subdivisions on liabilities of stockholders to creditors of corporation, and cases cited.

10 Cyclopedia of Law and Procedure, topic, Corporations; VI, Capital Stock and Subscriptions Thereto; M, Payment for Shares; 1, In General; d, Issuing Shares at Less Than Par to Pay Past Indebtedness, page 468.

(5) A member of a firm of grocers contracted with a customer to sell him groceries and take in payment thereof hay and grain to be furnished for the private use of the contracting partner. The other members of the firm were in ignorance of the terms of the contract. The firm was subsequently dissolved, and another member of it, in settling up its affairs, brought suit against the customer, who sought to set off his account for hay and grain furnished the first-

mentioned partner under his contract with him. Was it a valid set-off?

38 Century Digest; topic, Partnership; IV, Rights and Liabilities as to Third Persons; (A) Representation of Firm by Partner; 1, Power and Authority of Partner in General; section 201, Individual Credit or Interest of Partner; column 875.

American Digests for 1897 and subsequent years; topic, Partnership; IV, Rights and Liabilities as to Third Persons; (A) Representation of Firm by Partner. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Text-books on Partnership, and encyclopædias of law, same topic, chapters, or subdivisions on liabilities of partnership for money or property furnished individual partner for his personal use, or for acts of individual partner outside scope of business, and cases cited.

(6) A minor who was a college student leased a room for the college year at a specified weekly rental. He entered into possession of the room at the beginning of the college year, and remained in possession about three months, and then surrendered possession and secured accommodations elsewhere during the remainder of the college year. He paid the weekly rental according to the contract for the time he occupied the room. Is he liable for the rent from the time he ceased to occupy it until the end of the college year?

State statutes as to liabilities of infants.

27 Century Digest; topic, Infants; IV, Contracts; (C) Contracts for Necessaries; section 115, Board, Lodging and Wearing Apparel; column 1125.

American Digests for 1897 and subsequent years; topic, Infants; IV, Contracts, Bimonthly Advance Sheets, American Digest, issued since publication of last Annual American Digest, same topic and subdivision.

Text-books on Infants, and encyclopædias of law, same topic, chapters, or subdivisions on liabilities on contracts, and cases cited.

(7) An employé sustained injuries from the fall of a ladder on which he was standing while performing services in the regular course of his employment. The ladder furnished for his use had no spikes or prods to prevent its slipping on the floor. Can he recover from his employer for his injuries?

34 Century Digest; topic, Master and Servant; III, Master's Liability for Injuries to Servant; (B) Tools, Machinery, Appliances, and Places for Work; 5, Particular Appliances or Places; (a) In general; section 207, Platforms, Scaffolds, and Supports; column 686.

American Digests for 1897 and subsequent years; topic, Master and Servant; III, Master's Liability for Injuries to Servant; (B) Tools, Machinery, Appliances, and Places for Work. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual American Digest, same topic and subdivisions.

Text-books on Master and Servant, and encyclopædias of law, same topic, chapters, or subdivisions on master's liability for injuries, and cases cited. Text-books on Negligence, and encyclopædias of law, same topic, chapters, or subdivisions on negligence of a master and his liability for injuries occasioned thereby, and cases cited.

(8) A purchaser of land went into possession under a contract to convey on payment of the purchase money, and died before payment of the amount due. His heir took possession of the property, but the vendor subsequently recovered possession under judgment in ejectment because the purchase money was not paid when due. The vendor then sold the property to the heir, and conveyed directly to him, after which proceedings were begun to sell the property to pay debts of the original purchaser. Could it be sold for that purpose?

State statutes as to descent of property and liabilities attaching thereto.

16 Century Digest; topic, Descent and Distribution; III, Rights and Liabilities of Heirs and Distributees;

(C) Debts of Intestate and Incumbrances on Property; 5, Liabilities on Descent of Real Property in General; section 462, Property Subject to Debts; column 1813.

American Digests for 1897 and subsequent years; topic, Descent and Distribution; III, Rights and Liabilities of Heirs and Distributees; (C) Debts of Intestate and Incumbrances on Property. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Text-books on Descent of Property, chapters or subdivisions on liabilities of heirs, and cases cited.

10 Cyclopedia of Law and Procedure; topic, Descent and Distribution; IV, Rights and Liabilities of Heirs and Distributees; C, Debts of Intestate and Encumbrances on Property; 5, Liabilities on Descent of Real Property; page 194.

L. R. A. Index-Digest, Vols. 1–50; topic, Descent and Distribution; IV, Nature and Incidents of Estate, Liability of Heirs; page 304.

(9) A woman owning a house and lot married a man without property, and thereafter, until her death, which occurred before that of her husband, occupied the property with her husband as a homestead. By her will she left the property to her brother. Was the will valid?

State statutes as to power of married women to dispose of property by will.

49 Century Digest; topic, Wills; II, Testamentary Capacity; (C) Married Women; section 59, Separate Property; column 69.

American Digests for 1897 and subsequent years; topic, Wills; II, Testamentary Capacity. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivision.

Text-books on Wills, and on Rights of Married Women, chapters or subdivisions on testamentary capacity of married women, and cases cited. Consult also similar subdivisions in encyclopædias of law.

(10) Goods stored in a warehouse were subject to a lien in favor of the warehouseman for storage. A creditor of the warehouseman attempted to attach the goods to secure payment of his claim. Were the goods attachable for that purpose?

State statutes as to attachment.

5 Century Digest; topic, Attachment; II, Property Subject to Attachment; (E) Rights or Interests Secured by Liens; section 147, Liens in General; column 359.

American Digests for 1897 and subsequent years; topic, Attachment; II, Property Subject to Attachment. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual American Digest, same topic and subdivision.

Text-books on Attachment, and encyclopædias of law, same topic, chapters, or subdivisions treating of property subject to attachment, and cases cited.

(11) A mother who was old and illiterate conveyed a tract of land to her son. In an action subsequently brought, attacking this transfer, the validity of the conveyance was questioned on the ground of fraud. The testimony of the notary who drew the deed and took her acknowledgment, to the effect that he made no misrepresentations to the grantor so as to induce her to believe that the deed conveyed another and different tract, was offered. Was it admissible, in the absence of any averments in the pleadings that the notary had made such a misrepresentation?

39 Century Digest; topic, Pleading; XII, Issues, Proof, and Variance; (D) Evidence Admissible under Pleadings; 2, Declaration, Complaint, or Petition; section 1259, Fraud, Accident, or Mistake; column 2638.

American Digests for 1897 and subsequent years; topic, Pleading; XII, Issues, Proof, and Variance. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivision.

Text-books on Pleading and on Evidence, and en-

cyclopædias of law, same topic, chapters, or subdivisions on admissibility of evidence under pleadings.

Index-Digest L. R. A., Vols. 1–50; topic, Evidence; XI, Relevancy and Materiality; m, Under Particular Pleadings; page 383.

(12) The proprietors of a starch company advertised that they had placed a gold dollar in every hundredth package of their starch, and actually placed the dollars in those packages for the purpose of increasing the sale of their starch. Was this scheme illegal as constituting a lottery?

United States and state statutes defining and prohibiting lotteries.

33 Century Digest; topic, Lotteries; IV, Criminal Responsibility; (A) Offenses; section 27, Gifts or premiums as inducements to purchase commodities; column 1734.

American Digests for 1897 and subsequent years; topic, Lotteries; IV, Criminal Responsibility; (A) Offenses. Bi-monthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Encyclopædias of Law; topic, Lotteries; subdivision as to what constitutes lottery, and cases cited.

2 Rapalje's Digest of American Decisions and Reports; topic, Lotteries; section 1, What is a lottery; page 2235.

L. R. A. Index Digest, vols. 1–50; topic, Lotteries; page 598.

(13) The owner of a horse sold him with a verbal warranty that he was sound and not over eight years of age. Soon after the sale the purchaser noticed that the horse breathed very heavily and became exhausted after having been driven for a short distance at a slow rate of speed. The purchaser was able to make but little use of the horse owing to his condition, and about a year after the time of purchase the horse died, practically of old age. Can the purchaser

recover in an action brought within three months after the death of the horse for breach of warranty?

43 Century Digest; topic, Sales; VI, Warranties; (H) Breach; section 803, Warranty of quality, fitness, or condition; column 1106.

American Digests for 1897, and subsequent years; topic, Sales; VI, Warranties. Bi-monthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Text-books on Sales and encyclopædias of law, same topic, chapters, or subdivisions on warranties.

3 Rapalje's Digest of American Decisions and Reports; topic, Sales; III, Warranties; section 72, Warranty of Soundness; page 2974.

L. R. A. Index Digest, vols. 1–50; topic, Sales; II, Warranty; Express, generally; page 802.

(14) A person who desired to assist an academy in the purchase of an athletic field gave the trustees of the academy his note for the sum he desired to subscribe. The trustees, relying on the note, purchased a field and mortgaged it for the purchase price. The trustees held the note for five years, during which time many improvements were placed on the field, and the maker then refused to pay the note. Could the trustees recover thereon?

45 Century Digest; topic, Subscriptions; section 7, Work done, money expended, or liability incurred; column 14.

American Digests for 1897 and subsequent years; topic, Subscriptions. Bimonthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topic.

Text-books on Gifts, chapters or subdivisions on liability of maker of gift note, and cases cited. Consult also similar subdivisions in topics Gifts and Subscriptions in encyclopædias of law, and cases cited.

L. R. A. Index Digest, vols. 1–50; topic, Gift; I, In General; Of Note; page 429.

(15) The owner of a building leased the ground floor to be used as a grocery store. The tenant made a contract with a bill poster to permit the latter to place advertising boards on the outside of the store, for which privilege the bill poster paid the tenant a valuable consideration. The owner sued to recover the amount so paid the tenant. Can he maintain such an action?

32 Century Digest; topic, Landlord and Tenant; VII, Premises and Enjoyment and Use Thereof; (A) Description, Extent, and Condition; 1, Description and Extent of Premises; section 440, Right to use of outside walls; column 491.

American Digests for 1897 and subsequent years; topic, Landlord and Tenant; VII, Premises and Enjoyment and Use Thereof; (A) Description, Extent, and Condition. Bi-monthly Advance Sheets American Digest, issued since publication of last Annual Digest, same topic and subdivisions.

Text-books on Landlord and Tenant, and encyclopædias of law, same topic, chapters, or subdivisions on extent of tenant's right to use of premises, and cases cited.

(16) A man who represented himself as agent for the South American Transportation Company, rented offices in a building, and fitted them up with carpets and furniture which he purchased on credit under false representations as to his financial condition and relations with the transportation company. There was no such company in existence as the South American Transportation Company, and in a short time the agent left town in great haste. The owners of the building brought suit against him for unpaid rent, leaving a copy of the writ at his last known place of abode, and attached the carpets and furniture. Subsequently the firm that sold the furniture brought replevin against the owners of the building to recover possession of the attached property. Can replevin be maintained?

43 Century Digest; topic, Sales; I, Requisites and Validity of Contract; (L) Misrepresentation and Fraud

by Buyer; section 95, Representations as to financial condition in general; column 183.

5 Century Digest; topic, Attachment; V, Levy, Lien, and Custody and Disposition of Property; (L) Priorities Between Attachments and Other Liens and Claims; 1, In General; section 552, Attaching creditor acquires same rights as debtor has at time of levy; column 732. Section 553, Attaching creditors as bona fide purchasers, and notice in general; column 733.

American Digests for 1897 and subsequent years; topic, Sales; I, Requisites and Validity of Contract. Topic, Attachment; V, Levy, Lien, and Custody and Disposition of Property. Bi-monthly Advance Sheets, American Digest, issued since publication of last Annual Digest, same topics and subdivisions.

Text-books on Sales and encyclopædias of law, same topic, chapters, or subdivisions on misrepresentation of buyer as invalidating sale, and cases cited. Text-books on Attachment and encyclopædias of law, same topic, chapters, or subdivisions on priorities between attachment and other claims, and cases cited.

APPENDIX.

ABBREVIATIONS OF LAW PUBLICATIONS

ALPHABETICALLY ARRANGED.

(Based on the Table of Legal Abbreviations Compiled by Elliot Howard Gilkey, Librarian, Ohio Supreme Court Law Library.)

A

A. ..... Alabama;—Arkansas; Abbott (see (Abb.);—Annuals (Louisiana): Atlantic Reporter.
A. B. ..... Anonymous Reports at the end of Bendloe.
A. B. R. ..... American Bankruptcy Reports.
A'B. R. J. N. S. W. .. A'Beckett's Reserved (Equity) Judgments, New South Wales.
A'B. R. J. P. P. ..... A'Beckett's Reserved Judgments, Port Philip.
A'Beck. Judge. Vict. . A'Beckett's Reserved Judgments of Victoria.
A. C. ..... Appellate Court;—Case on Appeal;—Appeal Cases.
A. C. C. ..... American Corporation Cases (Withrow's).
A. C. R. ..... American Criminal Reports.
A. D. ..... American Decisions;—Appellate Division, N. Y. Supreme Court.
A. E. C. ..... American Electrical Cases.
A. G. Dec. ..... Attorney General's Decisions.
A. G. Op. ..... Attorney General's Opinions.
A. Ins. R. ..... American Insolvency Reports.
A. K. Marsh. ..... A. K. Marshall's Kentucky Reports.
A. L. C. ..... American Leading Cases.
A. M. & O. ..... Armstrong, Macartney & Ogle's Irish Nisi Prius Reports.
A. Moo. ..... A. Moore's Reports, in 1 Bosanquet & Puller.
A. N. C. ..... Abbott's New Cases, New York;—American Negligence Cases.

A. N. R......American Negligence Reports, Current Series.
A. P. B......Ashurst's Paper Books (Mss. in Lincoln's Inn Library).
A. R. .....American Reports;—Atlantic Reporter;—Appeal Reports, Ontario.
A. R. C......American Railway Cases.
A. R. R......American Railway Reports.
A. Rep. .....American Reports.
A. S. R......American State Reports.
A. & E......Adolphus & Ellis' English Queen's Bench Reports;—Admiralty and Ecclesiastical.
A. & E. Corp. Ca......American and English Corporation Cases.
A. & E. Ency......American and English Encyclopædia of Law.
A. & E. N. S......Adolphus & Ellis' English Queen's Bench Reports, New Series.
A. & E. R. R. C......American & English Railroad Cases.
A. & H......Arnold & Hodges' English Queen's Bench Reports.
A. & N......Alcock & Napier's Irish King's Bench Reports.
Ab. Eq. Cas......Equity Cases Abridged (English).
Abb. .....Abbott's United States Circuit and District Court Reports;—Abbott's Practice, New York.
Abb. Ad. or Abb. Adm. .....Abbott's Admiralty Reports.
Abb. App. Dec......Abbott's New York Court of Appeals Decisions.
Abb. Beech. Tr......Abbott's Report of the Beecher Trial.
Abb. Ct. App......Abbott's New York Court of Appeals Decisions.
Abb. C. C......Abbott's Circuit Court, United States.
Abb. Dec. .....Abbott's New York Court of Appeals Decisions.
Abb. Dig. .....Abbott's Digest, New York.
Abb. Dig. Corp......Abbott's Digest Law of Corporations.
Abb. Mo. Ind......Abbott's Monthly Index.
Abb. Nat. Dig......Abbott's National Digest.
Abb. N. C......Abbott's New Cases, New York.
Abb. N. S......Abbott's Practice Reports, New Series.
Abb. N. Y. App......Abbott's New York Court of Appeals Decisions.
Abb. N. Y. Dig......Abbott's New York Digest.
Abb. Pr......Abbott's New York Practice Reports.
Abb. Pr. N. S......Abbott's New York Practice Reports, New Series.
Abb. Tr. Ev......Abbott's Trial Evidence.

Abb. U. S......Abbott's United States Circuit Court Reports.
Abb. Y. Bk......Abbott's Year Book of Jurisprudence.
Abr. .....Abridgment;—Abridged.
Abr. Case.....Crawford & Dix's Abridged Cases, Ireland.
Abr. Case Eq......Equity Cases Abridged (English).
Act. or Act. Pr. C.....Acton's English Privy Council Reports.
Ad. & E. (or Ad. & Ell.) .....Adolphus & Ellis' English King's Bench Reports.
Ad. & Ell. N. S......Adolphus & Ellis' Reports, New Series;—English Queen's Bench, commonly cited Q. B.
Adams .....Adams' Reports 41, 42 Maine;—Adams' Reports 1 N. H.
Add. .....Addison's Reports, Pennsylvania;—Addams' English Ecclesiastical Reports.
Add. Ecc. .....Addams' Ecclesiastical Reports.
Addams .....Addams' Ecclesiastical Reports, English.
Addis. or Add. Pa.....Addison, (Pennsylvania), County Court.
Ad. Jus. .....Adams Just. Cases (Scotch).
Adm. & Ecc. .....Admiralty and Ecclesiastical; English Law Reports, Admiralty and Ecclesiastical.
Adolph. & E. .....Adolphus & Ellis' English King's Bench Reports.
Adolph. & E. N. S....Adolphus & Ellis' New Series (usually cited as Queen's Bench).
Agra H. C......Agra High Court Reports (India).
Aik. .....Aiken's Vermont Reports.
Al. .....Aleyn's Select Cases, King's Bench;—Alabama;—Allen (see All.).
Al. Tel. Ca......Allen's Telegraph Cases.
Al. & Nap......Alcock & Napier's Irish King's Bench Reports.
Ala. .....Alabama.
Ala. St. Bar Assn.....Alabama State Bar Association.
Ala. N. S......Alabama Reports, New Series.
Ala. Sel. Cas......Alabama Select Cases, by Shepherd, see Alabama Reports vols. 37, 38 and 39.
Alaska Co. .....Alaska Codes, Carter.
Alb. Arb. .....Albert Arbitration (Lord Cairns' Decisions).
Alc. or Alc. Reg. or Alc. Reg. Cas......Alcock's Irish Registry Cases.
Alc. & Nap......Alcock & Napier's Irish King's Bench Reports.
Ald. .....Alden's Condensed Reports, Pennsylvania.
Alex. Cas. .....Report of the Alexandria Case by Dudley.
Alexander .....Vols. 66–72 Mississippi.

Aleyn ..... Aleyn's Select Cases, English King's Bench.
All. N. B. ..... Allen's New Brunswick Reports.
All. Ser. ..... Allahabad Series, Indian Law Reports.
All. Tel. Cas. ..... Allen's Telegraph Cases.
Allen ..... Allen's Massachusetts Reports;—Allen's Reports, New Brunswick;—Allen's Reports, Washington.
Allen Tel. Cas. ..... Allen's Telegraph Cases.
Allin ..... Allinson, Pennsylvania Superior and District Court.
Am. Ban. R. or Am. B'ke'y Rep. ..... American Bankruptcy Reports.
Am. Cent. Dig. ..... American Digest (Century Edition).
Am. Corp. Cas. ..... American Corporation Cases (Withrow's).
Am. Cr. Rep. ..... American Criminal Reports.
Am. Cr. Tr. ..... American Criminal Trials. Chandler's.
Am. Dec. ..... American Decisions.
Am. Dig. ..... American Digest.
Am. Dig. Cent. Ed. .. American Digest (Century Edition).
Am. El. Ca. or Am. Elec. Ca. ..... American Electrical Cases.
Am. Ins. Rep. or Am. Insol. Rep. ..... American Insolvency Reports.
Am. Jour. Pol. ..... American Journal of Politics.
Am. Jour. Soc. ..... American Journal of Sociology.
Am. Jur. ..... American Jurist, Boston.
Am. Law Rec. ..... American Law Record (Cin.).
Am. L. C. R. P. ..... Sharswood and Budd's Leading Cases on Real Property.
Am. L. Cas. ..... American Leading Cases.
Am. L. J. ..... American Law Journal (Hall's), Philadelphia.
Am. L. J. N. S. ..... American Law Journal, New Series, Philadelphia.
Am. L. Rev. ..... American Law Review, Boston.
Am. L. T. R. ..... American Law Times Reports.
Am. L. T. R. N. S. .... American Law Times Reports, New Series.
Am. Lead. Cas. ..... American Leading Cases (Hare & Wallace's).
Am. Neg. Ca. (or Cas.) ..... American Negligence Cases.
Am. Neg. Rep. ..... American Negligence Reports
Am. Pr. Rep. ..... American Practice Reports, Washington, D. C.
Am. Prob. Rep. ..... American Probate Reports.
Am. R. R. Cas. ..... American Railway Cases (Smith & Bates').
Am. R. R. & C. Rep. .. American Railroad and Corporation Reports.
Am. R. R. Rep. ..... American Railway Reports, New York.
Am. Rep. ..... American Reports (Selected Cases).
Am. Ry. Ca. ..... American Railway Cases.

Am. Ry. Rep. ..... American Railway Reports.
Am. St. Rep. ..... American State Reports.
Am. St. Ry. Dec. ..... American Street Railway Decisions.
Am. Tr.-M. Cas. ..... American Trade-Mark Cases (Cox's).
Am. & Eng. Corp. Cas. ..... American and English Corporation Cases.
Am. & Eng. Dec. in Eq. ..... American and English Decisions in Equity.
Am. & Eng. Ency. Law ..... American and English Encyclopædia of Law.
Am. & Eng. Pat. Ca. .. American and English Patent Cases.
Am. & Eng. Ry. Ca. .. American and English Railway Cases.
Am. & Eng. R. R. Ca. .. American and English Railroad Cases.
Amb. (or Ambl.) .... Ambler's English Chancery Reports.
Amer. ..... American; Amerman Vols. 111–115. Pennsylvania.
Amer. Law ..... American Lawyer. New York.
Ames ..... Ames' Reports (4–8 Rhode Island);—Ames' Reports (1 Minn.).
Ames Cas. B. & N. .... Ames' Cases on Bills and Notes.
Ames Cas. Par. ..... Ames' Cases on Partnership.
Ames Cas. Pl. ..... Ames' Cases on Pleading.
Ames Cas. Trusts .. Ames' Cases on Trusts.
Ames Cas. Sur. ..... Ames' Cases on Suretyship.
Ames, K. & B. ..... Ames, Knowles & Bradley's Reports (8 Rhode Island).
And. ..... Andrews' English King's Bench Reports. Andrews' Connecticut Reports, Vols. 68–72.
Anderson ..... Anderson's English Common Pleas Reports.
Andr. or Andrews ... Andrews' English King's Bench Reports;—see also And.
Ang. & Dur. ..... Angell & Durfee's Reports (1 Rhode Island).
Am. Cas. ..... New York Annotated Cases.
Ann. Reg. ..... Annual Register, London.
Annaly ..... Annaly's edition of Lee *temp.* Hardwicke.
Anne ..... Queen Anne (thus "1 Anne," denotes the first year of the reign of Queen Anne).
Anst. ..... Anstruther's English Exchequer Reports.
Anth. (or Anth. N. P.) ..... Anthon's New York Nisi Prius Reports; Anthony's Illinois Digest.
Anth. Shep. ..... Anthony's edition of Shephard's Touchstone.
Ap. Justin. ..... Apud Justinianum; In Justinian's Institutes.
App. ..... Appleton's Reports (19, 20 Maine).
Appe. Bre. ..... Appendix to Breese's Reports.
App. Cas. ..... Appeal Cases, English Law Reports; Appeal Cases, United States; Appeal Cases of the different States; Appeal Cases, District of Columbia.

App. Cas. Beng...... Sevestre and Marshall's Bengal Reports.
App. Ct. Rep...... Bradwell's Illinois Appeal Court Reports.
App. D. C...... Appeals, District of Columbia.
App. Div...... Appellate Division, New York.
App. N. Z...... Appeal Reports, New Zealand.
App. Rep. Ont...... Appeal Reports, Ontario.
Appleton..... Appleton's Reports (19, 20 Maine).
Ar. Rep...... Argus Reports. Victoria.
Arabin..... Decisions of Seargeant Arabin.
Arbuth...... Arbuthnot's Select Criminal Cases, Madras.
Arch...... Court of Arches, England.
Arch. P. L. Cas...... Archbold's Abridgment of Poor Law Cases
Archer..... Archer's Reports (vol. 2 Florida).
Archer & Hogue.... Archer & Hogue's Reports (vol. 2 Florida).
Arch. Sum...... Archbold's Summary of Laws of England.
Arg. Rep...... Reports printed in Melbourne Argus, Australia.
Ariz...... Arizona.
Ark...... Arkansas Reports;—Arkley's Scotch Justiciary Reports.
Arkl...... Arkley's Justiciary Reports, Scotland.
Arms. Br. P. Cas..... Armstrong's Breach of Privilege Cases, New York.
Arms. Con. Elec...... Armstrong's New York Contested Elections.
Arms. Elect. Cas..... Armstrong's Cases of Contested Elections, New York.
Arms. M. & O. or Arms. Mac. & Og... Armstrong, Macartney, & Ogle's Irish Nisi Prius Reports.
Arms. Tr...... Armstrong's Limerick Trials, Ireland.
Arn...... Arnold's English Common Pleas Reports;—Arnot's Criminal Trials, Scotland.
Arn. El. Cas...... Arnold's Election Cases, English.
Arn. & H. or Arn. & Hod...... Arnold & Hodges' English Queen's Bench Reports.
Arn. & Hod. B. C..... Arnold & Hodges' English Bail Court Reports.
Arn. & Hod. Pr. Cas.. Arnold & Hodges' Practice Cases, English.
Arnold..... Arnold's Common Pleas Reports, English.
Arnot Cr. C...... Arnot's Criminal Cases, Scotland.
Ashe..... Ashe's Tables to the Year Books (or to Coke's Reports; or to Dyer's Reports).
Ashm...... Ashmead's Pennsylvania Reports.
Ashton..... Ashton's (vols. 9–12) Opinions of the United States Attorneys General.
Ashurst MS...... Ashurst's Paper Books, Lincoln's Inn Library;—Ashurst's Manuscript Reports, printed in 2 Chitty.

Asp. Cas. (or Rep.) . . English Maritime Law Cases, new series, by Aspinall.
Asp. . . . . . Aspinall, English Admiralty.
Asp. M. C. . . . . . Aspinall Maritime Cases.
Ass. . . . . . Liber Assissarum,—Book of Assizes.
Ass. Jerus. . . . . . Assizes of Jerusalem.
Ast. Ent. . . . . . Aston's Entries.
Atch. . . . . . Atchison's English Navigation and Trade Reports.
Atk. . . . . . Atkyn's English Chancery Reports.
Atk. P. T. . . . . . Atkyn's Parliamentary Tracts.
Atl. Mo. . . . . . Atlantic Monthly.
Atl. Reptr. . . . . . Atlantic Reporter.
Atty. Gen. Op. . . . . . Attorney-Generals' Opinions, United States.
Atty. Gen. Op. N. Y. . . Attorney-Generals' Opinions, New York.
Atwater . . . . . Atwater's Reports (1 Minnesota).
Auch. . . . . . Auchinleck's Manuscript Cases, Scotch Court of Session.
Auct. Reg. & L. Chron. . . . . . Auction Register and Law Chronicle.
Aust. . . . . . Austin's English County Court Cases;—Australia.
Aust. Jur. Abr. . . . . Austin's Lectures on Jurisprudence, abridged.
Aust. L. T. . . . . . Australian Law Times.
Austin C. C. . . . . . Austin's English County Court Reports.
Austin (Ceylon) . . . . Austin's Ceylon Reports.
Ayl. Pan. . . . . . Ayliff's Pandects.
Ayl. Par. . . . . . Ayliff's Paragon Juris.

B

B. C. . . . . . Bankruptcy Cases.
B. C. C. . . . . . Brown's Chancery Cases;—Bail Court Cases (Lowndes & Maxwell).
B. C. C. . . . . . Bail Court Reports (Saunders & Cole) (or Lowndes & Maxwell).
B. C. R. or B. C. Rep. . Saunder's & Cole's Bail Court Reports, English;—British Columbia Reports.
B. Ch. . . . . . Barbour's Chancery Reports, New York.
B. D. & O. . . . . . Blackham, Dundas & Osborne's Nisi Prius Reports, Ireland.
B. L. R. . . . . . Bengal Law Reports.
B. M. . . . . . Burrow's Reports *temp.* Mansfield;—B. Monroe (Kentucky).
B. M. or B. Moore . . . Moore's Reports, English.
B. Mon. . . . . . Ben Monroe's Reports, Kentucky.

B. N. C......Bingham's New Cases, English Common Pleas;—Brooke's New Cases, English King's Bench;—Busbee's N. C. Law Reports.
B. N. P......Buller's Nisi Prius.
B. P. B......Buller's Paper Book, Lincoln's Inn Library.
B. P. C......Brown's Cases in Parliament.
B. P. L. Cas......Bott's Poor Law Cases.
B. P. N. R......Bosanquet & Puller's New Reports, English Common Pleas.
B. P. R......Brown's Parliamentary Reports.
B. R. .....Bancus Regis, or King's Bench;—Bankruptcy Reports;—Bankruptcy Register, New York;—National Bankruptcy Register Reports.
B. R. H......Cases in King's Bench *temp.* Hardwicke.
B. & A......Barnewall & Adolphus' English King's Bench Reports;—Barnewall & Alderson's English King's Bench Reports;—Baron & Arnold's English Election Cases;—Baron & Austin's English Election Cases;—Banning & Arden's Patent Cases.
B. & Ad. or Adol....Barnewall & Adolphus' English King's Bench Reports.
B. & Ald......Barnewall & Alderson's English King's Bench Reports.
B. & Arn......Barron & Arnold's Election Cases.
B. & Aust......Barron & Austin's English Election Cases.
B. & B......Broderip & Bingham's English Common Pleas Reports;—Ball & Beatty's Irish Chancery Reports;—Bowler & Bowers, vol. 8, United States Comptroller's Decision.
B. & C......Barnewall & Cresswell's English King's Bench Reports.
B. & D......Benloe & Dalison, English.
B. & F......Broderip & Fremantle's English Ecclesiastical Reports.
B. & H......Blatchford & Howland's United States District Court Reports.
B. & H. Dig......Bennett & Heard's Massachusetts Digest.
B. & H. Lead. Cas....Bennett & Heard's Leading Criminal Cases.
B. & L......Bankruptcy and Insolvency Cases.
B. & L......Browning & Lushington's English Admiralty Reports.
B. & M. or B. & Macn. .....Browne & Macnamara, English.
B. & P......Bosanquet & Puller's English Common Pleas Reports.

B. & P. N. R...... Bosanquet & Puller's New Reports.
B. & S...... Best & Smith's English Queen's Bench Reports.
B. & V...... Beling & Vanderstraaten's Reports, Ceylon.
Ba. & Be...... Ball & Beatty's Irish Chancery Reports.
Bac. Dig. ..... Bacon's Georgia Digest.
Bach ..... Bach, vols. 19–21 Montana.
Bagl. ..... Bagley's Reports (16–19 California).
Bail. ..... Bailey's Law Reports, South Carolina.
Bail. Dig. ..... Bailey's North Carolina Digest.
Bail. Eq. ..... Bailey's Equity Reports, South Carolina.
Bail Ct. Cas...... Lowndes & Maxwell's English Bail Court Cases.
Bail Ct. Rep...... Saunders & Cole's English Bail Court Reports;—Lowndes & Maxwell's English Bail Court Cases.
Bailey ..... Bailey's Law Reports, South Carolina Court of Appeals.
Bailey Eq. ..... Bailey's Equity Reports, South Carolina Court of Appeals.
Baill. Dig. ..... Baillie's Digest of Mohammedan Law.
Bald. or Bald. C. C... Baldwin's United States Circuit Court Reports;—Baldus (Commentator on the Code);—Baldasseroni (on Maritime Law).
Bald. App. 11 Pet... Baldwin's Appendix to 11 Peters.
Baldw. Dig. ..... Baldwin's Connecticut Digest.
Balf. ..... Balfour's Practice, Laws of Scotland.
Ball & B...... Ball & Beatty's Irish Chancery Reports.
Bank. Ct. Rep...... Bankrupt Court Reports, New York; The American Law Times Reports are sometimes thus cited.
Bank. Rep. ..... American Law Times Bankruptcy Reports.
Bank. and Ins. R.... Bankruptcy and Insolvency Reports, English.
Banks. ..... Banks' Reports (1–5 Kansas).
Bank. L. ..... Bankton's Institutes of Laws of Scotland.
Bank. & Ins...... Bankruptcy and Insolvency Reports, English.
Bann. ..... Bannister's Reports, English Common Pleas.
Bann. Br. ..... Bannister's edition of O. Bridgman's English C. P. Reports.
Bann. & A. Pat. Ca.. Banning & Arden's Patent Cases.
Bar. ..... Barnardistons' English King's Bench Reports;—Barnardistons' Chancery;—Bar Reports in all the Courts, English;—Barbour;—Barrows, Rhode Island Reports, vol. 18.
Bar. Ch. (Chy.)..... Barnardiston's English Chancery Reports.
Bar. Mag. ..... Barrington's Magna Charta.

Bar. N. ..... Barnes' Notes, English Common Pleas Reports.
Bar. & Ad. ..... Barnewall & Alderson's English King's Bench Reports.
Bar. & Al. ..... Barnewall & Adolphus', English King's Bench Reports.
Bar. & Arn. ..... Barron & Arnold's English Election Cases.
Bar. & Aust. (Au.) .. Barron & Austin's English Election Cases.
Bar. & Cr. ..... Barnewall & Cresswell's English King's Bench Reports.
Barb. ..... Barbour's Supreme Court Reports, New York;—Barber's Reports 14–24 Arkansas.
Barb. Abs. ..... Barbour's Abstracts of Chancellor's Decisions (New York).
Barb. Ark. ..... Barber's Reports Arkansas Supreme Court. Reports vols. 14–26.
Barb. App. Dig. ..... Barber's Digest, New York.
Barb. Dig. ..... Barber's Digest of Kentucky.
Barb. Ch. ..... Barbour's New York Chancery Reports.
Barb. Ch. Pr. ..... Barbour's Chancery Practice (Text Book).
Barb. S. C. ..... Barbour's Reports, Supreme Court, New York.
Barbe. ..... Barber's Reports, Arkansas, see Barb. Ark.
Barc. Dig. ..... Barclay's Missouri Digest.
Barn. ..... Barnes' English Common Pleas Reports.
Barn. ..... Barnardiston's English King's Bench Reports;—Barnes' English Common Pleas Reports; Barnfield, Rhode Island, Reports, vols. 19–20.
Barn. Ch. ..... Barnardiston's English Chancery Reports.
Barn. No. ..... Barnewall & Adolphus' English King's Bench Reports.
Barn. & Ad. ..... Barnes' Note of Cases, English Common Pleas.
Barn. & Ald. ..... Barnewall & Alderson's English King's Bench Reports.
Barn. & Cr. ..... Barnewall & Cresswell's English King's Bench Reports.
Barnard. Ch. ..... Barnardiston's Chancery Reports.
Barnard. K. B. ..... Barnadiston's King Bench Reports.
Barnes, N. C. ..... Barnes' Notes of Cases in Common Pleas.
Barnet ..... Barnet's English Central Criminal Courts Reports, vols. 27–29.
Barnf. & S. ..... Barnfield and Stiness, Rhode Island Reports, vol. 20.
Barnw. Dig. ..... Barnwall's Digest of the Year Books.
Barr ..... Barr's Reports (1–10 Pennsylvania State); Barrows' Rhode Island Reports, vol. 18.

Barr. & Arn. ..... Barron & Arnold's English Election Cases.
Barr. & Aus. ..... Barron & Austin's English Election Cases.
Barrows ..... Rhode Island Reports, vol. 18.
Bart. El. Cas...... Bartlett's Congressional Election Cases.
Bat. Dig. ..... Battle's Digest, North Carolina.
Bates ..... Bates' Delaware Chancery Reports.
Bates' Dig. ..... Bates' Digest, Ohio.
Batt. or Batty..... Batty's Irish King's Bench Reports.
Bax. or Baxt..... Baxter's Reports, Tennessee.
Bay ..... Bay's South Carolina Reports;—Bay's Reports (1–3 and 5–8 Missouri).
Beas. ..... Beasley's New Jersey Chancery Reports.
Beat. or Beatty..... Beatty's Irish Chancery Reports.
Beav. ..... Beavan's English Rolls Court Reports.
Beav. R. & C. Cas.... English Railway and Canal Cases, by Beavan and others.
Beav. & Wal. Ry. Cas. ..... Beavan & Walford's Railway and Canal Cases, England.
Beaw. ..... Beawes' Lex Mercatoria.
Bee ..... Bee's United States District Court Reports.
Bee Adm. ..... Bee's Admiralty. An Appendix to Bee's District Court Reports.
Bee C. C. R...... Bee's Crown Cases Reserved, English.
Beebe Cit. ..... Beebe's Ohio Citations.
Beck ..... Vols 12–16 Colorado, also vol. 1 Colorado Court of Appeals.
Bedell ..... New York Reports, vol. 163.
Bel. ..... Bellewe's English King's Bench Reports;—Bellasis' Bombay Reports; Beling's Ceylon Reports; Bellinger vols. 4–8, Oregon.
Beling ..... Beling's Ceylon Reports.
Beling & Van..... Beling & Vanderstraaten's Ceylon Reports.
Bell ..... Bell's English Crown Cases Reserved; Bell's Scotch Appeal Cases;—Bell's Scotch Session Cases;—Bell's Calcutta Reports (India);—Bellewe's English King's Bench Reports; Brooke's New Cases, by Bellewe;—Bellinger's Reports (4–8 Oregon);—Bellasis' Bombay Reports.
Bell App. Cas...... Bell's Scotch House of Lords (Appeal) Cases.
Bell C. C...... Bell's English Crown Cases Reserved;—Bellasis' Civil Cases, Bombay;—Bellasis' Criminal Cases, Bombay.
Bell C. H. C...... Bell's Reports, Calcutta High Court.
Bell Cas. ..... Bell's Cases, Scotch Court of Session.
Bell Cas. t. H. VIII.. Brooke's New Cases (collected by Bellewe).

Bell Cas. t. R. II. . . . Bellewe's English King's Bench Reports (time of Richard II).
Bell Cr. C. . . . . . Bell's English Crown Cases; Beller's Criminal Cases, Bombay.
Bell fol. . . . . . Bell's folio Reports, Scotch Court of Session.
Bell H. C. . . . . . Bell's Reports, High Court of Calcutta.
Bell H. L. . . . . . Bell's House of Lord's Cases, Scotch Appeals.
Bell Med. L. J. . . . . . Bell's Medico Legal Journal.
Bell Oct. (or 8vo.) . . . Bell's octavo Reports, Scotch Court of Session.
Bell P. C. . . . . . Bell's Cases in Parliament, Scotch Appeals.
Bell Put. Mar. . . . . . Bell's Putative Marriage Case, Scotland.
Bell Sc. Dig. . . . . . Bell's Scottish Digest.
Bell Sc. App. . . . . . Bell's Appeals to House of Lords from Scotland.
Bell Ses. Cas. . . . . . Bell's Cases in the Scotch Court of Session.
Bell Ap. Ca. . . . . . Bell's Scotch Appeals.
Bell C. C. . . . . . Bell's Crown Cases, England.
Bellas. . . . . . Bellasis' Criminal (or Civil) Cases, Bombay.
Bellewe . . . . . Bellewe's English King's Bench Reports.
Bellewe t. H. VIII. . . Brook's New Cases (collected by Bellewe).
Bellinger . . . . . Oregon Reports, vols. 4–8.
Bellingh. Tr. . . . . . Report of Bellingham's Trial.
Belt Bro. . . . . . Belt's edition of Brown's Chancery Reports.
Belt Sup. . . . . . Belt's Supplement to Vesey Senior's English Chancery Reports.
Belt Ves. Sen. . . . . . Belt's edition of Vesey Senior's English Chancery Reports.
Ben. . . . . . Benedict's United States District Court Reports.
Ben. F. I. Cas. . . . . . Bennett's Fire Insurance Cases.
Ben Mon. . . . . . Ben Monroe, Kentucky.
Ben. & Dal. . . . . . Benloe & Dalison's English Common Pleas Reports.
Ben. & H. L. C. . . . . . Bennett & Heard's Leading Criminal Cases.
Bench & B. . . . . . Bench and Bar (periodical), Chicago.
Bendl. . . . . . Bendloe (see Benl.).
Benedict. . . . . . Benedict's United States District Court Reports.
Ben. & S. Dig. . . . . . Benjamin & Slidell's Louisiana Digest.
Beng. L. R. . . . . . Bengal Law Reports, India.
Beng. S. D. A. . . . . . Bengal Sudder Dewanny Adawlut Reports.
Benj. . . . . . Benjamin. New York Annotated Cases, 6 vols.

Benl. ..... Benloe's or Bendloe's English King's Bench Reports.
Benl. in Ashe..... Benloe at the end of Ashe's Tables.
Benl. in Keil..... Benloe or Bendloe in Keilway's Reports.
Benl. New ..... Benloe's Reports, English King's Bench.
Benl. Old ..... Benloe of Benloe & Dalison, English Common Pleas Reports.
Benl. & Dal..... Benloe & Dalison's Common Pleas Reports.
Benn. Cal. ..... Bennett's Reports (1 California Supreme Court).
Benn. F. I. Cas..... Bennett's Fire Insurance Cases.
Benn. & H. Cr. Cas... Bennett & Heard's Leading Criminal Cases.
Benn. & H. Dig..... Bennett & Heard's Massachusetts Digest.
Benne ..... Reporter of vol. 7, Modern Reports.
Bennett ..... Bennett's Reports, 1 California; Bennett's Reports 1 Dakota;—Bennett's Reports 16–21 Missouri.
Bent. ..... Bentley's Reports, Irish Chancery.
Bentl. Att.-Gen. .... Bentley, vols. 13–19 Attorneys-General's Opinions.
Beor ..... Queensland Law Reports.
Ber. ..... Berton's New Brunswick Reports.
Bern. ..... Bernard's Church Cases, Ireland.
Berry ..... Berry's Reports (1–28 Missouri Court of Appeals).
Bert. ..... Berton's New Brunswick Reports.
Best & Sm...... Best & Smith's English Queen's Bench Reports.
Bett's Dec. ..... Blatchford and Howland's United States District Court Reports;—Olcott's United States District Court Reports.
Bev. & M...... Bevin & Mill's Reports, Ceylon.
Bev. Pat. ..... Bevill's Patent Cases, English.
Beven ..... Beven's Ceylon Reports.
Bibb ..... Bibb's Reports, Kentucky.
Bick. ..... Nevada Reports, vols. 10–20; Bicknell's Reports, India.
Bick. & Hawl..... Bicknell & Hawley. Nevada Reports, vols. 10–20.
Big. ..... Bignell's Reports, India.
Big. Cas. ..... Bigelow's Cases, William I to Richard I.
Big. L. I. Cas..... Bigelow's Life and Accident Insurance Cases.
Big. L. & A. Ins. Cas.. Bigelow's Life and Accident Insurance Cases.
Big. Ov. Cas..... Bigelow's Overruled Cases.
Big. Plac. ..... Bigelow's Placita Anglo-Normannica.
Bign. ..... Bignell's Indian Reports.
Bin. ..... Binney's Pennsylvania Reports.
Bin. Dig. ..... Binmore's Digest, Michigan.
Bing. ..... Bingham's English Common Pleas Reports.

Bing. N. C......Bingham's New Cases, English Common Pleas.
Binn. .....Binney's Pennsylvania Reports.
Birds. St. .....Birdseye's Statutes, New York.
Bishop Dig. .....Bishop's Digest, Montana.
Biss. or Bis......Bissel's United States Circuit Court Reports.
Bitt. Chamb. Rep....Bittleson's Chamber Reports, England.
Bitt. Pr. Cas......Bittleson's Practice Cases, English.
Bitt. W. & P......Bittleson, Wise & Parnell's Reports (2, 3 New Practice Cases).
Bk. .....Black's United States Supreme Court Reports.
Bl. .....Black's United States Supreme Court Reports;—Blatchford's United States Circuit Court Reports;—Blackford's Indiana Reports;—Henry Blackstone's English Common Pleas Reports;—W. Blackstone's English King's Bench Reports; Blackstone.
Bl. C. C......Blatchford's United States Circuit Court Reports.
Bl. Com. .....Blackstone's Commentaries.
Bl. D. & O......Blackham, Dundas & Osborne's Irish Nisi Prius Reports.
Bl. H. .....Henry Blackstone's English Common Pleas Reports.
Bl. Prize or Bl. Pr. Cas. .....Blatchford's Prize Cases.
Bl. R. (or Bl. W.)...Sir William Blackstone's English King's Bench Reports.
Bl. & H......Blatchford & Howland's United States District Court Reports; Blake & Hedges, vols. 2–3, Montana.
Bl. & W. Mines....Blanchard & Weeks' Leading Cases on Mines.
Bla. Ch. .....Bland's Maryland Chancery Reports.
Bla. Com. .....Blackstone's Commentaries.
Bla. H. .....Henry Blackstone's English Common Pleas Reports.
Bla. W. .....Sir William Blackstone's Reports English King's Bench.
Black .....Black's United States Supreme Court Reports;—Black's Reports, Indiana Reports, vols. 30–53; —H. Blackstone's English Common Pleas Reports;—W. Blackstone's English King's Bench Reports;—Blackford's Indiana Reports.
Black. Cond. Rep....Blackwell's Condensed Illinois Reports.
Black. D. & O......Blackham, Dundas & Osborne's Irish Nisi Prius Reports.

Black. H. ..... Henry Blackstone's English Common Pleas Reports.
Black. R. ..... Black's United States Supreme Court Reports;—W. Blackstone's English King's Bench Reports;—see Black.
Black. Jus. ..... Blackerby's Justices' Cases.
Black Ship. Ca. ..... Black's Decisions in Shipping Cases.
Black. W. ..... W. Blackstone's English King's Bench Reports.
Blackf. ..... Blackford's Indiana Reports.
Blackw. Cond. ..... Blackwell's Condensed Reports, Illinois.
Blake ..... Blake's Reports. Montana Reports, vols. 1–3.
Blake & H. ..... Blake and Hedges. Montana Reports, vols. 2–3.
Blanc. & W. L. C. ... Blanchard & Weeks' Leading Cases on Mines. etc.
Bland or Bland's Ch. .. Bland's Maryland Chancery Reports.
Blatchf. ..... Blatchford's United States Circuit Court Reports—United States Appeals.
Blatchf. Pr. Cas. ..... Blatchford's Prize Cases.
Blatchf. & H. ..... Blatchford & Howland's United States District Court Reports.
Bleckley ..... Bleckley's Reports (34, 35 Georgia).
Bliss ..... Delaware County Reports, Pennsylvania.
Bligh ..... Bligh's English House of Lord's Reports.
Bligh N. S. ..... Bligh's English House of Lord's Reports, New Series.
Bliss N. Y. Co. ..... Bliss's New York Code.
Bloom. Man. (or Neg.) Cas. ..... Bloomfield's Manumission (or Negro) Cases (New Jersey).
Blount Tr. ..... Blount's Impeachment Trial.
Bomb. H. Ct. ..... Bombay High Court Reports.
Bomb. L. R. ..... Bombay Law Reporter.
Bomb. Sel. Cas. ..... Bombay Select Cases.
Bomb. Ser. ..... Bombay Series, Indian Law Reports.
Bond ..... Bond's United States Circuit Reports.
Booraem ..... Booraem's Reports (6–8 California).
Borr. ..... Borradaile's Reports, Bombay.
Bos. ..... Bosworth's New York Superior Court Reports.
Bos. & Pul. ..... Bosanquet & Puller's English Common Pleas Reports.
Bos. & Pul. N. R. .... Bosanquet & Puller's New Reports, English Common Pleas.
Bosw. ..... Bosworth's New York Superior Court Reports.
Bott P. L. ..... Bott's Poor Laws.

Bett P. L. Cas......Bott's Poor Law Cases.
Bett P. L. Const......Const's Edition of Bott's Poor Law Cases.
Bett Set. Cas......Bott's Poor Law (Settlement) Cases.
Bould......Bouldin. Alabama Reports, vol. 119.
Bouln......Boulnois' Reports, Bengal.
Bourke.....Bourke's Reports, Calcutta High Court.
Bov. Pat. Ca......Bovill's Patent Cases.
Bow......Bowler & Bower's United States Comptroller's Decisions.
Br......Bracton;—Bradford;—Bradwell; — Brayton; Breese; — Brevard; — Brewster; — Bridgman; — Brightly; — British; — Britton; — Brockenbrough; — Brooke; — Broom; — Brown; — Brownlow; — Bruce;—see below, especially under Bro.
Br. C. C......British (or English) Crown Cases (American reprint);—Brown's Chancery Cases, England.
Br. Cr. Ca......British (or English) Crown Cases.
Br. Fed. Dig......Brightly's Federal Digest.
Br. N. C......Brook's New Cases, English King's Bench.
Br. P. C......Brown's English Parliamentary Cases.
Br. Reg......Braithwaite's Register.
Br. Sup......Brown's Supplement to Morrison's Dictionary, Sessions Cases, Scotland.
Br. Syn......Brown's Synopsis of Decisions, Scotch Court of Sessions.
Br. & B......Broderip & Bingham, English Common Pleas.
Br. & Fr......Broderick & Fremantle's Ecclesiastical Cases, English.
Br. & Gold......Brownlow & Goldesborough's English Common Pleas Reports.
Br. & L. or Br. & Lush......Brownlow & Lushington's English Admiralty Reports.
Br. & R......Brown & Rader, Missouri Reports.
Brac......Bracton de Legibus, etc., Angliae.
Brad......Bradford's Surrogate Reports, New York;—Bradford's Iowa Reports;—Bradwell's Illinois Appeal Reports; Bradley, Rhode Island.
Bradf......Bradford's New York Surrogate Reports;—Bradford's Reports, Iowa.
Bradw......Bradwell's Appellate Reports, Illinois.
Brady Ind......Brady's Index, Arkansas Reports.
Brame.....Vols. 66–72, Mississippi.
Branch.....Branch's Reports (1 Florida).
Brand......Brandenburg, vol. 21, Opinions Attorneys-General.

Brant. .....Brantly, Maryland Reports, vols. 80–90.
Brans. Dig. .....Branson's Digest, Bombay.
Brayt. .....Brayton's Vermont Reports.
Breese .....Breese's Reports (1 Illinois).
Brett Ca. Eq......Brett's Cases in Modern Equity.
Brev. .....Brevard's South Carolina Reports.
Brev. Dig. .....Brevard's Digest.
Brev. Ju. .....Brevia Judicialia (Judicial Writs).
Brew. .....Brewer's Reports (19–26 Maryland).
Brewst. .....Brewster's Pennsylvania Reports.
Brick. Dig. .....Brickell's Digest, Alabama.
Bridg. J. .....Sir J. Bridgman's English Common Pleas Reports.
Bridg. Dig. Ind.....Bridgman's Digested Index.
Bridg. O. .....Sir Orlando Bridgman's English Common Pleas Reports—(sometimes cited as Carter).
Bright (Pa.) .....Brightly's Pennsylvania Supreme Court Reports.
Bright. Dig. .....Brightly's Digest, New York; Brightly's Digest, Pennsylvania; Brightly's Digest, United States.
Bright. Elec. Cas....Brightly's Leading Election Cases.
Bright. N. P......Brightly's Pennsylvania Nisi Prius Reports.
Bright. Purd. .....Brightly's Purdons Digest Laws of Pennsylvania.
Brisbin .....Brisbin's Reports (1 Minnesota).
Brit. .....Britton's Ancient Pleas of the Crown.
Brit. Cr. Cas......British (or English) Crown Cases.
Bro. .....See also Brown and Browne. Browne's Pennsylvania Reports;—Brown's Michigan Nisi Prius Reports;—Brown's English Chancery Reports;—Brown's Parliamentary Cases;—Brown, vols. 53–65 Mississippi;—Brown, vols. 80–137, Missouri.
Bro. A. & E......Brown's United States District Court Reports (Admiralty and Revenue Cases).
Bro. Abr. in Eq.....Browne's New Abridgment of Cases in Equity.
Bro. Adm. .....Brown's United States Admiralty Reports.
Bro. C. C......Brown's English Chancery Cases, or Reports.
Bro. Ch. .....Brown's English Chancery Reports.
Bro. Ecc. .....Brooke's Six Judgments in Ecclesiastical Cases (English).
Bro. N. C......Brooke's New Cases, English King's Bench.
Bro. N. P......Brown's Michigan Nisi Prius Reports; Brown's Nisi Prius Cases, English.
Bro. P. C......Brown's English Parliamentary Cases.

Bro. (Pa.) ..... Browne's Pennsylvania Reports.
Bro. Supp. ..... Brown's Supplement to Morrison's Dictionary of the Court of Session, Scotland.
Bro. Syn. ..... Brown's Synopsis of Decisions, Scotch Court of Session.
Bro. V. M...... Brown's Vade Mecum.
Bro. & Fr...... Broderick & Fremantle's English Ecclesiastical Cases.
Bro. & G...... Brownlow & Goldesborough's English Common Pleas Reports.
Bro. & Lush...... Browning & Lushington's English Admiralty Reports.
Brock. ..... Brockenbrough's Marshall's Decisions, U. S. Circuit Court.
Brock. Cas. ..... Brockenbrough's Virginia Cases.
Brock. & Hol...... Brockenbrough's & Holmes' "Virginia Cases."
Brod. Stair ..... Brodie's Notes to Stair's Institutes, Scotch.
Brod. & Bing...... Broderip & Bingham's English Common Pleas Reports.
Brod. & Fr...... Broderick & Fremantle's Ecclesiastical Cases.
Brooke ..... Brooke's New Cases, English King's Bench.
Brooke Eccl. Judg... Brooke's Six Ecclesiastical Judgments.
Brooke N. C...... Brooke's New Cases, English King's Bench Reports. (Bellewe's Cases *temp.* Henry VIII.)
Brooke (Petit.) .... Brooke's New Cases.
Brooke Six Judg..... Brooke's Six Ecclesiastical Judgments (or Reports).
Brooks ..... Michigan Reports, vols. 106–119.
Broun ..... Broun's Justiciary Reports, Scotland.
Brown ..... Brown—vols. 53–65 Mississippi;—Brown's English Parliamentary Cases;—Brown's English Chancery Reports;—Brown's Scotch Reports;—Brown's United States District Court Reports;—Brown's U. S. Admiralty Reports; Brown's Michigan Nisi Prius Reports;—Brown's Reports (4–25 Nebraska;—Brownlow (& Goldesborough's) English C. P. Reports;—Brown, Missouri Reports, vols. 80–137;—see also Bro. and Browne.
Brown A. & R...... Brown's United States District Court Reports (Admiralty and Revenue Cases).
Brown Ch. Cas...... Brown's Chancery Cases, English Chancery.
Brown Ecc. ..... Brown's Ecclesiastical Reports, English.
Brown N. P...... Brown's Michigan Nisi Prius Reports.
Brown N. P. Cas..... Brown's Nisi Prius Cases, English.

Brown P. C......Brown's Parliamentary Cases, English House of Lords.
Brown Sup. Dec.....Brown's Supplement to Morrison's Dictionary, Session Cases, Scotland.
Brown Syn. .....Brown's Synopsis of Decisions, Scotch.
Brown. & Gold......Brownlow & Goldesborough's English Common Pleas Reports.
Brown & H......Brown & Heminway's Reports (53–58 Mississippi).
Brown. & Lush......Browning & Lushington's English Admiralty Reports.
Brown. .....Browne's Pennsylvania Reports;—Browne's Reports, 97–114 Massachusetts;—Browne, N. Y. Civil Procedure;—see also Bro. and Brown.
Browne N. B. C.....Browne's National Bank Cases.
Browne & Gray.....Browne & Gray's Reports, 110–111 Massachusetts.
Browne & Macn.....Browne & Macnamara's English Railway and Canal Cases.
Brownl. & Gold.....Brownlow & Goldesborough, English Common Pleas Reports.
Bru. (or Bruce).....Bruce's Scotch Court of Session Reports.
Brun. .....Brunner's Collective Cases, U. S.
Brunk. Ir. Dig......Brunker's Irish Common Law Digest.
Brunner Sel. Cas....Brunner's Selected Cases United States Circuit Courts.
Bt. .....Benedict's United States District Court Reports.
Buch. .....Buchanan's (Eben J. or James) Reports, Cape of Good Hope.
Buch. Cas. (or Tr.)..Buchanan's Remarkable Criminal Cases, Scotland.
Buch. Ct. Ap. Cape G. H. .....Buchanan's Court of Appeals Reports, Cape of Good Hope.
Buch. E. Cape G. H...E. Buchanan's Reports, Cape of Good Hope.
Buch. E. D. Cape G. H. .....Buchanan's Eastern District Reports, Cape of Good Hope.
Buch. J. Cape G. H...J. Buchanan's Reports, Cape of Good Hope.
Buck .....Buck's English Cases in Bankruptcy;—Buck, Montana Reports, vols. 7–8.
Buck. Cooke .....Bucknill's Cooke's Cases of Practice, Common Pleas.
Buck. Dec. .....Buckner's Decisions (in Freeman's Mississippi Chancery Reports).
Buff. Super. Ct......Sheldon's Superior Court Reports (Buffalo, N. Y.).

Bull. & C. Dig......Bullard & Curry's Louisiana Digest.
Buller Mss......J. Buller's Paper Books, Lincoln's Inn Library.
Bull. N. P......Buller's Law of Nisi Prius, English.
Bulst......Bulstrode's English King's Bench Reports.
Bump N. C......Bump's Notes on Constitutional Decisions.
Bunb......Bunbury's English Exchequer Reports.
Bur. (Burr.).....Burrow's English King's Bench Reports;—Burnett's Wisconsin Reports.
Bur. M......Burrow's Reports *temp.* Mansfield.
Burf......Burford, Oklahoma Reports, vols. 6–9.
Burgess.....Burgess, Ohio State Reports, vols. 46–49.
Burg. Dig......Burgwyn's Digest Maryland Reports.
Burks.....Virginia Reports, vols. 91–97.
Burke Tr......Burke's Celebrated Trials.
Burlesque Reps.....Skillman's New York Police Reports.
Burm. L. R......Burmah Law Reports.
Burnet.....Burnet's Manuscript Decisions, Scotch Court of Session.
Burnett.....Burnett's Wisconsin Reports;—Burnett, Oregon Reports, vols. 20–22.
Burr......Burrows' English King's Bench Reports.
Burr. S. C. (or Sett. Cas.).....Burrows' English Settlement Cases.
Burr Tr. Rob......Burr's Trial, reported by Robertson.
Burt. Cas......Burton's Collection of Cases and Opinions.
Burt. Sc. Tr......Burton's Scotch Trials.
Busb......Busbee's Law Reports, North Carolina.
Busb. Eq......Busbee's Equity Reports, North Carolina.
Busb. Cr. Dig......Busbee's Criminal Digest, North Carolina.
Bush.....Bush's Kentucky Reports.
Butt's Sh......Butt's edition of Shower's English King's Bench Reports.
Buxton.....North Carolina Reports, vols. 123–126.

C

C. (or C.).....Cowen (New York);—Connecticut;—California;—Colorado;—Canada (Province).
C. B. N. S......Common Bench Reports, New Series.
C. B. R......Cour de Blanc de la Reine. Quebec.
C. C. A......United States Circuit Court of Appeals.
C. C. C......Choice Cases in Chancery.
C. C. Chr......Chancery Cases Chronicle, Ontario.
C. C. E......Caines' Cases in Error, N. Y.;—Cases of Contested Elections.
C. C. L. C......Civil Code, Quebec.

C. C. P...... Code of Civil Procedure, Quebec.
C. C. Supp...... City Court Reports, Supplement N. Y.
C. D. ..... Commissioner's Decisions, United States Patent Office; Century Digest.
C. E. Gr...... C. E. Greene's New Jersey Equity Reports.
C. H. & A...... Carrow, Hamerton & Allen's New Sessions Cases, English.
C. J. C...... Couper's Judiciary Cases, Scotland.
C. J. Can...... Corpus Juris Canonici.
C. J. Civ...... Corpus Juris Civilis.
C. L. Ch...... Com. Law Chamber Reports (Ontario).
C. L. R...... Common Law Reports, printed by Spottiswoode;—"English Common Law Reports" (1853–1855).
C. M. & R...... Crompton, Meeson, & Roscoe's English Exchequer Reports.
C. N. ..... Code Napoleon.
C. N. Conf...... Cameron & Norwood's North Carolina Conference Reports.
C. N. P...... Cases at Nisi Prius.
C. N. P. C...... Campbell's Nisi Prius Cases.
C. O. ..... Common Orders.
C. of C. E...... Cases of Contested Elections, United States.
C. P. C...... Code of Civil Procedure, Quebec.
C. P. C. (or Coop.)... C. P. Cooper's English Chancery Practice Cases.
C. P. C. t. Br...... C. P. Cooper's English Chancery Reports *temp.* Brougham.
C. P. C. t. Cott...... C. P. Cooper's English Chancery Reports *temp.* Cottenham.
C. P. D. (or C. P. Div.) ..... Common Pleas Division, English Law Reports (1875–1880).
C. P. Q...... Code of Civil Procedure, Quebec (1897).
C. P. U. C...... Common Pleas Reports, Upper Canada.
C. Pr. ..... Code of Procedure;—Code de Procédure Civile.
C. R. ..... Chancery Reports—Code Reporter, New York.
C. R. N. S...... Code Reports, New Series, New York.
C. Rob. ..... C. Robinson, English Admr. & Ecc.
C. S. ..... Court of Session, Scotland.
C. S. B. C...... Consolidated Statutes British Columbia.
C. S. C...... Consolidated Statutes of Canada, 1859.
C. S. L. C...... Consolidated Statutes, Lower Canada.
C. S. & J...... Cushing, Storey and Josselyn. Election Cases, see vol. 1 Cushing's Election Cases, Massachusetts.

C. S. M. ..... Consolidated Statutes of Manitoba.
C. S. N. B. ..... Consolidated Statutes of New Brunswick.
C. S. & P. ..... (Craigie, Stewart &) Panton's Scotch Appeal Cases.
C. S. U. C. ..... Consolidated Statutes of Upper Canada, 1859.
C. t. K. ..... Cases *temp.* King (Macnaghten's Select Chancery Cases, English).
C. t. N. ..... Cases *temp.* Northington (Eden's English Chancery Reports).
C. t. T. ..... Cases *temp.* Talbot, English Chancery.
C. Theod. ..... Codex Theodosiani.
C. W. Dud. ..... C. W. Dudley's Law or Equity Reports, South Carolina.
C. & A. ..... Cooke & Alcock's Irish King's Bench Reports.
C. & C. ..... Coleman & Caine's Cases, New York.
C. & D. ..... Corbett & Daniel's English Election Cases;—Crawford & Dix's Abridged Cases, Irish.
C. & D. A. C. ..... Crawford & Dix's Abridged Cases, Irish.
C. & D. C. C. ..... Crawford & Dix's Irish Circuit Cases.
C. & E. ..... Cababee & Ellis, English, 1 vol.
C. & F. ..... Clark & Finnelly's English House of Lords Report.
C. & H. Dig. ..... Coventry & Hughes' Digest.
C. & J. ..... Crompton & Jervis' English Exchequer Reports.
C. & K. ..... Carrington & Kirwan's English Nisi Prius Reports.
C. & L. ..... Connor & Lawsons' Irish Chancery Reports.
C. & L. Dig. ..... Cohen & Lee's Maryland Digest.
C. & L. C. C. ..... Cane & Leigh's Crown Cases.
C. & M. ..... Crompton's & Meeson's English Exchequer Reports—Carrington & Marshman's English Nisi Prius Reports.
C. & N. ..... Cameron & Norwood's North Carolina Conference Reports.
C. & O. R. Cas. ..... English Railway & Canal Cases, by Carrow & Oliver et al.
C. & P. ..... Carrington & Payne's English and Nisi Prius Reports—Craig & Phillips' Chancery Reports.
C. & R. ..... Cockburn & Rowe's English Election Cases.
C. & S. Dig. ..... Connor & Simonton's South Carolina Digest.
Ca. ..... Case or Placitum—Cases (see Cas.)
Ca. resp. ..... Capias ad respondendum.
Ca. t. Hard. ..... Cases *temp.* Hardwicke.
Ca. sa. ..... Capias ad satisfaciendum.

Ca. t. K......Cases *temp.* King; Cases *temp.* King, Chancery.
Ca. t. Talb......Cases *temp.* Talbot, Chancery.
Ca. temp. F......Cases *temp.* Finch.
Ca. temp. H......Cases *temp.* Hardwicke, King's Bench.
Ca. temp. Holt.....Cases *temp. Holt*, King's Bench.
Cab. & E. or Cab. & El. .....Cababé and Ellis, English.
Cadw. Dig. .....Cadwalader's Digest of Attorney-General's Opinions.
Cai. .....Caines' New York Term Reports.
Cai. Cas. (or Cas. Err.) .....Caines' New York Cases in Error.
Cai. T. R......Caines' (Term) Reports, New York.
Cain. .....Caines. New York.
Cairn's Dec. .....Cairn's Decisions in the Albert Arbitration.
Cal. .....California Reports;—Calthrop's English King's Bench Reports;—Caldecott's English Settlement Cases.
Cal. Rep. .....California Reports — Calthrop's English King's Bench Reports.
Cal. S. D. A......Calcutta Sudder Dewanny Adawlut Reports.
Cal. Ser. .....Calcutta Series Indian Law Reports.
Cald. .....Caldwell, vols. 25–36, West Virginia.
Cald., Cald. J. P. or Cald. S. C......Caldecott's English Magistrate's (Justice of the Peace) and Settlement Cases.
Call .....Call's Virginia Reports.
Calth. .....Calthrop's English King's Bench Reports.
Cam. .....Cameron's Reports, Upper Canada, Queen's Bench.
Cam. Duc. .....Camera Ducata (Duchy Chamber).
Cam. Op. .....Cameron's Legal Opinions, Toronto.
Cam. Scac. .....Camera Scaccaria (Exchequer Chamber).
Cam. Stell. .....Camera Stellata (Star Chamber).
Cam. & Nor......Cameron & Norwood's North Carolina Conference Reports.
Camp. .....Camp. vol. 1, North Dakota;—Campbell's English Nisi Prius Reports;—Campbell Nebraska Reports—see also Campbell.
Camp. Dec. .....Campbell's Decisions.
Camp. N. P......Campbell's English Nisi Prius Reports.
Campbell .....Campbell's English Nisi Prius Reports;—Campbell's Reports of Taney's United States Circuit Court Decisions;—Campbell's Legal Gazette Reports, Pennsylvania;—Campbell's Nebraska Reports, vols. 27–58.
Can. Exch. .....Canada Exchequer Reports.

Can. S. C. Rep......Canada Supreme Court Reports.
Cane & L......Cane & Leigh's Crown Cases Reserved.
Car. .....Carolus (as 22823 Car. II)—Carolina.
Car., H. & A......Carrow, Hamerton and Allen's New Sessions Cases, English.
Car., O. & B......English Railway and Canal Cases, by Carrow, Oliver, Bevan, etc.
Car. & K. (or Kir.)..Carrington & Kirwan's English Nisi Prius Reports.
Car. & M. (or Mar.)..Carrington & Marshman's English Nisi Prius Reports.
Car. & Ol......English Railway and Canal Cases, by Carrow, Oliver, etc.
Car. & P......Carrington's & Payne's English Nisi Prius Reports.
Carl. .....Carleton New Brunswick.
Carp. P. C......Carpmael's English Patent Cases.
Carpenter .....Carpenter, California Reports, vols. 52–53.
Carr. Cas. .....Carrau's Summary Cases, India.
Carr., Ham. & Al....Carrow, Hamerton & Allen's New Sessions Cases, English.
Carr. K. .....Carrington & Kirwan.
Carrau .....Carrau's edition of "Summary Cases," Bengal.
Cart. .....Cartwright's Cases, Canada.
Carter .....Carter's English Common Pleas Reports, same as Orlando Bridgman;—Carter's Reports (1 & 2, Indiana).
Carth. .....Carthew's English King's Bench Reports.
Cary .....Cary's English Chancery Reports.
Cas. .....Casey's Reports (25–36 Pennsylvania State).
Cas. App. .....Cases of Appeal to the House of Lords.
Cas. Arg. & Dec......Cases Argued and Decreed in Chancery, English.
Cas. B. R......Cases Banco Regis *temp.* William III. (12 Modern Reports).
Cas. B. R. Holt.....Cases and Resolutions (of settlements; *not* Holt's King's Bench Reports).
Cas. C. L......Cases in Crown Law.
Cas. Ch. .....Cases in Chancery, English;—Select Cases in Chancery;—Cases in Chancery (9 Modern Reports).
Cas. Eq. .....Cases in Equity, Gilbert's Reports;—Cases and Opinions in Law, Equity, and Conveyancing.
Cas. Eq. Abr......Cases in Equity, Abridged, English.
Cas. F. T......Cases *temp.* Talbot, by Forrester, English Chancery.

Cas. H. L......Cases in the House of Lords.
Cas. in C......Cases in Chancery;—Select Cases in Chancery.
Cas. K. B......Cases in King's Bench (8 Modern Reports).
Cas. K. B. t. H......Cases *temp.* Hardwicke (W. Kelynge's English King's Bench Reports).
Cas. L. & Eq......Cases in Law and Equity (10 Modern Reports);—(Gilbert's Cases in Law and Equity, English.
Cas. P. (or Parl.)...Cases in Parliament.
Cas. Pr. .....Cases of Practice, English King's Bench.
Cas. Pr. C. P......Cases of Practice, English Common Pleas (Cooke's Reports).
Cas. Pr. K. B......Cases of Practice in the King's Bench.
Cas. R. .....Casey, Pennsylvania State Reports, vols. 25–36.
Cas. S. C. (Cape G. H.) .....Cases in the Supreme Court, Cape of Good Hope.
Cas. Self. Def......Horrigan & Thompson's Cases on Self-Defense.
Cas. Sett. .....Cases of Settlement, King's Bench.
Cas. Six Cir......Cases on the Six Circuits, Ireland.
Cas. t. Ch. II......Cases *temp.* Charles II., in vol. 3 of Reports in Chancery.
Cas. t. F......Cases *temp.* Finch, English Chancery.
Cas. t. Geo. I......Cases *temp.* George I., English Chancery (8, 9 Modern Reports).
Cas. t. H. (or Hardwicke) .....Cases *temp.* Hardwicke, English King's Bench (Ridgway, Lee, or Annaly);—West's Chancery Reports, *temp.* Hardwicke.
Cas. t. Holt (or H.)..Cases *temp.* Holt, English King's Bench;—Holt's Reports.
Cas. t. K......Select Cases *temp.* King, English Chancery (edited by Macnaghten);—Moseley's Chancery Reports, *temp.* King.
Cas. t. Lee.....(Phillimore's) Cases *temp.* Lee, English Ecclesiastical.
Cas. t. Mac......Cases *temp.* Macclesfield (10 Modern Reports).
Cas. t. Nap......Cases *temp.* Napier, by Drury, Irish Chancery.
Cas. t. North......Cases *temp.* Northington (Eden's English Chancery Reports).
Cas. t. Plunk......Cases *temp.* Plunkett, by Lloyd & Gould, Irish Chancery.
Cas. t. Q. A......Cases *temp.* Queen Anne (11 Modern Reports).

Cas. t. Sugd......Cases *temp.* Sugden, Irish Chancery.
Cas. t. Tal......Cases *temp.* Talbot, English Chancery.
Cas. t. Wm. III.....Cases *temp.* William III., (12 Modern Reports).
Cas. Tak. & Adj.....Cases Taken and Adjudged (first edition of Reports in Chancery).
Cas. w. Op......Cases, with Opinions, by Eminent Counsel.
Cas. Wm. I......Bigelow's Cases, William I. to Richard I.
Casey .....Casey Pennsylvania State Reports, vols. 25–36.
Cass. Dig. .....Cassel's Digest, Canada.
Cass. Sup. C. Prac...Cassel's Sup. Ct. Practice, 2d edition by Masters.
Cel. Tr. .....Burke's Celebrated Trials.
Cent. Dig. .....Century Digest.
Ch. App. Cas......Chancery Appeal Cases, English Law Reports.
Ch. Cas. .....Cases in Chancery.
Ch. Cas. Ch......Choyce Cases in Chancery.
Ch. Cham. or Ch. Ch..Chancery Chambers' Reports, Ontario.
Ch. Col. Op......Chalmer's Colonial Opinions.
Ch. Dig. .....Chaney's Digest, Michigan Reports.
Ch. Div. (or D.)....Chancery Division, English Law Reports (1876–1890).
Ch. Rep. .....Reports in Chancery;—Irish Chancery Reports.
Ch. Rep. Ir......Irish Chancery Reports.
Ch. R. M......R. M. Charlton's Georgia Reports.
Ch. Sent. .....Chancery Sentinel, Saratoga, New York.
Ch. T. U. P......T. U. P. Charlton's Georgia Reports.
Ch. & Cl. Cas......Cripp's Church and Clergy Cases.
Chal. Op. .....Chalmers' Colonial Opinions.
Cham. .....Chamber's Reports, Upper Canada.
Chamb. Dig. P. H. C..Chamber's Digest of Public Health Cases.
Chamb. Rep. .....Chancery Chambers Reports, Ontario.
Chan. .....Chaney's Reports (37–58 Michigan);—Chancellor;—Chancery (see Ch.).
Chanc. .....Chancery (see Ch.).
Chand. .....Chandler's Reports, Wisconsin;—Chandler New Hampshire Reports, vols. 20, 38–44.
Chand. Cr. Tr......Chandler's American Criminal Trials.
Chaney .....Chaney's Michigan Reports, vols. 37-44.
Charl. Pr. Cas......Charley's English Practice Cases.
Charlt. R. M. .....R. M. Charlton's Georgia Reports.
Charlt. T. U. P......T. U. P. Charlton's Georgia Reports.
Chase .....Chase's U. S. C. C. Decisions.
Chev. .....Cheves' South Carolina Law Reports.
Chev. Ch. (or Eq.)...Cheves' South Carolina Equity Reports.

Chip. ..... Chipman's Reports, New Brunswick.
Chip. D. ..... D. Chipman's Vermont Reports.
Chip. MS. ..... Reports printed from Chipman's Manuscript, New Brunswick.
Chip. N. ..... N. Chipman's Vermont Reports.
Chip. W. ..... Chipman's New Brunswick Reports.
Chit. or Chitt. ..... Chitty's English Bail Court Reports.
Chr. Rep. ..... Chambers Reports, Upper Canada.
Chr. Rob. ..... Christopher Robinson's English Admiralty Reports.
Civ. Proc. Rep. ..... Civil Procedure Reports, New York.
Cl. App. ..... Clark's Appeal Cases, House of Lords.
Cl. Ch. ..... Clarke's Chancery Reports, New York.
Cl. Home ..... Clerk Home, Scotch Session Cases.
Cl. & Fin. (or F.) .... Clark & Finnelly's House of Lords Cases.
Cl. & Fin. N. S. ..... House of Lords Cases, by Clark.
Cl. & H. ..... Clarke & Hall's Contested Elections in Congress.
Clark ..... English House of Lords Cases, by Clark;—Clark's Reports (vol. 58 Alabama);—see also Clarke.
Clark Dig. ..... Clark's Digest House of Lords Reports.
Clark & Fin. ..... Clark & Finnelly's House of Lords Reports.
Clark & Fin. N. S. ... Clark's House of Lords Cases.
Clarke ..... Clarke's New York Chancery Reports;—Clarke's edition of 1–8 Iowa;—Clarke's Reports (19–22 Michigan);—Clarke's Notes of Cases, Bengal;—see also Clark.
Clarke Ch. ..... Clarke's New York Chancery Reports.
Clarke Not. (or R. & O.) ..... Clarke's Notes of Cases, in his "Rules and Orders," Bengal.
Clarke & H. Elec. Cas. ..... Clarke & Hall's Cases of Contested Elections in Congress.
Clayt. ..... Clayton's English Reports, York Assizes.
Clem. ..... Clemens, Kansas Reports, vols. 57–59.
Clerk Home ..... Clerk Home's Decisions, Scotch Court of Session.
Clif. ..... Clifford's United States Circuit Court Reports.
Clif. (South.) El. Cas. Clifford's Southwick Election Cases.
Clif. & Rich. ..... Clifford & Rickard's English Locus Standi Reports.
Clif. & St. ..... Clifford & Stephen's English Locus Standi Reports.
Clin. Dig. ..... Clinton's Digest, New York.
Clk. Mag. ..... Clerks' Magazine, London;—Rhode Island Clerk's Magazine.

C. M. & R. . . . . . Crompton, Meeson & Roscoe, English Exchequer Reports.
Conr. . . . . . Conroy's Custodian Reports.
Clow L. C. on Torts. . Clow's Leading Cases on Torts.
Co. . . . . . Coke's English King's Bench Reports.
Co. G. . . . . . Reports and Cases of Practice in C. P. *temp.* Anne, Geo. I., and Geo. II., by Sir G. Coke. (Same as Cooke's Practice Reports).
Co. Inst. . . . . . Coke's Institutes.
Co. Litt. . . . . . The First Part of the Institutes of the Laws of England, or a Commentary on Littleton, by Sir Edward Coke.
Co. P. C. . . . . . Coke's Reports, English King's Bench.
Co. Pl. . . . . . Coke's Pleadings (sometimes published separately).
Co. R. (N. Y.) . . . . . Code Reporter, New York.
Co. R. N. S. . . . . . Code Reporter, New Series.
Co. Rep. . . . . . Coke's Reports, King's Bench.
Cobb . . . . . Cobb's Reports (4–20 Georgia); Alabama, vol. 121.
Cobb. St. Tr. . . . . . Cobbett's (Afterwards Howell's) State Trials.
Cochr. . . . . . Cochran's Nova Scotia Reports; Cochrane's North Dakota Reports, vols. 3–7.
Cock. Tich. Ca. . . . . . Cockburn's Charge in the Tichborne Case.
Cock. & Rowe . . . . . Cockburn & Rowe's Election Cases.
Cocke . . . . . Cocke's Reports, vols. 16–18 Alabama;—Cocke's Reports, vols. 14, 15 Florida.
Cod. . . . . . Codex Justiniani.
Cod. Jur. Civ. . . . . . Codex Juris Civilis; Justinian's Code.
Code . . . . . Criminal Code of Canada, 1892.
Code Civ. Pro. . . . . . Code of Civil Procedure.
Code Cr. Pro. . . . . . Code of Criminal Procedure.
Code La. . . . . . Civil Code of Louisiana.
Code N., or Nap. . . . . . Code Napoleon, French Civil Code.
Code Pro. . . . . . Code of Procedure.
Code R. N. S. . . . . . Code Reports, New Series.
Code Rep. . . . . . New York Code Reporter.
Code Rep. N. S. . . . . . New York Code Reports, New Series.
Cof. Dig. . . . . . Cofer's Digest, Kentucky.
Coffey Prob. Dec. . . . . . Coffey's Probate Decisions.
Cogh. Epit. . . . . . Coghlan's Epitome of Hindu Law Cases.
Coke . . . . . Coke's English King's Bench Reports (Cited by parts and not by volume).
Coke Inst. . . . . . Coke's Institutes.
Coke Lit. . . . . . Coke on Littleton.
Col. . . . . . Colorado; — Colorado Reports; — Coldwell, Tenn.;—Coleman, Alabama Reports, 99–118.

Col. App. ..... Colorado Appeals.
Col. C. C...... Collyer's English Chancery Cases.
Col. Cas. ..... Coleman's Cases (of Practice), New York.
Col. L. Rep...... Colorado Law Reporter.
Col. & Cai...... Coleman & Caines' Cases, New York.
Cold. (or Coldw.)... Coldwell's Tennessee Reports.
Cole ..... Cole's edition of Iowa Reports;—Coleman, Alabama Reports, vols. 99, 101–106, 110, 111–120, 122.
Cole. Cas. Pr...... Coleman's Cases, New York.
Coll. (or C. C.)..... Collyer's English Chancery Cases.
Coll. ..... Colles' Parliamentary Cases.
Col. Law Review.... Columbia Law Review.
Coll. P. C...... Colles' English Parliamentary (House of Lords) Cases.
Coll. & E. Bank..... Collier and Eaton's American Bankruptcy Reports.
Colles ..... Colles' English Parliamentary Cases.
Colly. ..... Collyer's English Vice Chancellors' Reports.
Colo. ..... Colorado Reports.
Colq. ..... Colquit's Reports (1 Modern).
Colt. (Reg. Ca.)..... Coltman's Registration Cases.
Colvil ..... Colvil's Manuscript Decisions, Scotch Court of Session.
Com. ..... Comyn's Reports, English King's Bench;—Comberbach's English King's Bench Reports;—Comstock's Reports (1–4 New York Court of Appeals).
Com. B. ..... Common Bench Reports (Manning, Granger, and Scott).
Com. B. N. S...... (English) Common Bench Reports, New Series.
Com. Cas. ..... Commercial Cases, England.
Com. Dig. ..... Comyns' Digest.
Com. Jour. ..... Journals of the House of Commons.
Com. L. R...... English Common Law Reports.
Com. Law Rep...... English Common Law Reports;—Common Law Reports, published by Spottiswoode.
Com. Pl. ..... Common Pleas, English Law Reports.
Com. Pl. Div...... Common Pleas Division, English Law Reports.
Comb. ..... Comberbach's English King's Bench Reports.
Comp. Dec. ..... Comptroller's Decisions.
Comst. ..... Comstock's Reports (1–4 New York Court of Appeals).
Comyns ..... Comyns' English King's Bench Reports.
Comyns' Dig. ..... Comyns' Digest, English.

Con. ..... Conover's Reports, Wisconsin;—Continuation of Rolle's Reports (2 Rolle);—Connolly, New York Criminal.
Con. Cus. ..... Conroy's Custodian Reports.
Con. & Law ..... Connor & Lawson's Irish Chancery Reports.
Cond. Ch. R. (or Eng. Ch.) ..... Condensed English Chancery Reports.
Cond. Eccl. ..... Condensed Ecclesiastical Reports.
Cond. Ex. R. ..... Condensed Exchequer Reports.
Cond. Rep. U. S. ..... Peter's Condensed United States Reports.
Conf. ..... Conference Reports (by Cameron and Norwood), North Carolina.
Cong. El. Cas. ..... Congressional Election Cases.
Cong. Rec. ..... Congressional Record, Washington.
Conn. ..... Connecticut;—Connolly, New York, Surrogate.
Conover ..... Conover, Wisconsin Reports, vols. 16–106.
Conr. ..... Conroy's Custodian Reports.
Consist. Rep. ..... English Consistorial Reports, by Haggard.
Const. ..... Constitutional Reports, South Carolina, by Mills;—Constitutional Reports, South Carolina, by Treadway;—Constitutional Reports, vol. 1, South Carolina, by Harper.
Const. N. S. ..... Constitutional Reports (Mill), South Carolina, New Series.
Const. Oth. ..... Constitutiones Othoni (found at the end of Lynewood's Provinciale).
Const. S. C. ..... Constitutional Reports, South Carolina, printed by Treadway.
Const. S. C. N. S. .. South Carolina Constitutional Reports, New Series, printed by Mills.
Const. U. S. ..... Constitution of the United States.
Coo. & Al. ..... Cooke & Alcock's Irish King's Bench Reports.
Cook V. Adm. ..... Cook's Vice-Admiralty Reports, Nova Scotia.
Cooke ..... Cooke's Cases of Practice, English Common Pleas;—Cooke's Reports, Tennessee.
Cooke Pr. Cas. ..... Cooke's Practice Reports, English Common Pleas.
Cooke Pr. Reg. ..... Cooke's Practical Register of the Common Pleas.
Cooke & Al. (or Alc.) ..... Cooke & Alcock's Reports, Irish King's Bench.
Cooley ..... Cooley, Michigan Reports, vols. 5–12.
Coop. ..... Cooper's Tennessee Chancery Reports;—Cooper, vols. 21–24, Florida;—Cooper's English Chancery Reports *temp.* Eldon;—Cooper's English Chancery Reports *temp.* Cottenham;—Cooper's English Chancery Reports *temp.* Brougham. Cooper's English Practice Cases, Chancery.

Coop. C. C. (or Cas.) . . Cooper's Chancery Cases *temp.* Cottenham.
Coop. C. & P. R. . . . . . Cooper's Chancery and Practice Reporter, Upper Canada.
Coop. Ch. . . . . . Cooper's Tennessee Chancery Reports.
Coop. Pr. Cas. . . . . . Cooper's Practice Cases, English Chancery.
Coop. Sel. Cas. . . . . . Cooper's Select Cases *temp.* Eldon, English Chancery.
Coop. t. Br. . . . . . Cooper's Cases *temp.* Brougham.
Coop. t. Cott. . . . . . Cooper's Cases *temp.* Cottenham, English Chancery.
Coop. t. Eld. . . . . . Cooper's Cases *temp.* Eldon, English Chancery.
Coop. Tenn. Ch. . . . . . Cooper's Tennessee Chancery Reports.
C. P. Cooper . . . . . }
G. Cooper . . . . . } Cooper's English Chancery.
Cooper . . . . . }
Co-op. Dig. . . . . . Co-operative Digest, United States Reports.
Cope . . . . . Cope, California Reports, vols. 63–72.
Copp Min. Dec. . . . . . Copp's United States Mining Decisions.
Copp Land . . . . . Copp's Land Office Decisions.
Copp L. L. . . . . . Copp's Public Land Laws.
Co. R. N. S. . . . . . Code Reporter, New Series.
Cor. . . . . . Coram;—Coryton's Bengal Reports.
Corb. & Dan. . . . . . Corbett & Daniel's English Election Cases.
Corp. Jur. Can. . . . . . Corpus Juris Canonici.
Corp. Jur. Civ. . . . . . Corpus Juris Civilis.
Cory. . . . . . Coryton's Reports, Calcutta.
Cou. . . . . . Couper's Justiciary Reports, Scotland.
Coup. (or Coup. Just.) . . . . . Couper's Justiciary Reports, Scotland.
Court Sess. Ca. . . . . . Court of Sessions Cases, Scotch.
Court. & Macl. . . . . . Courtnay & Maclean's Scotch Appeals (6 and 7 Wilson and Shaw).
Cout. Dig. . . . . . Coutlée's Digest (Canada Sup. Ct.).
Cow. . . . . . Cowen's New York Reports;—Cowper's English K. B. Reports.
Cow. Cr. Rep. . . . . . Cowen's Criminal Reports, New York.
Cow. Cr. Dig. . . . . . Cowen's Criminal Digest.
Cow. Dig. . . . . . Cowell's East India Digest.
Cow. N. Y. . . . . . Cowen's New York Reports.
Cowp. . . . . . Cowper's English King's Bench Reports.
Cowp. Cas. . . . . . Cowper's Cases (in the third volume of Reports in Chancery).
Cox . . . . . Cox's English Chancery Reports;—Cox's English Criminal Cases;—Cox's Reports (25–27 Arkansas).
Cox Am. T. M. Cas. . . Cox's American Trade-Mark Cases.
Cox C. C. . . . . . Cox's English Criminal Cases; Cox's Crown Cases; Cox County Court Cases.

Cox Ch. ..... Cox's English Chancery Cases.
Cox Cr. Cas. ..... Cox's English Criminal Cases.
Cox Cr. Dig. ..... Cox's Criminal Law Digest.
Cox J. S. Cas. ..... Cox's Joint Stock Cases.
Cox Mag. Ca. ..... Cox's Magistrate Cases.
Cox Man. Tr. M. ..... Cox's Manual of Trade-Mark Cases.
Cox Mc. & H. ..... Cox, McCrae & Hertslet's English County Court Reports.
Cox Tr. M. ..... Cox's Manual of Trade-Mark Cases.
Cox Tr. M. Cas. ..... Cox's American Trade-Mark Cases.
Cox & Atk. ..... Cox & Atkinson, English Registration Appeal Reports.
Coxe ..... Coxe's Reports, New Jersey.
Cr. ..... Cranch's Reports, United States Supreme Court;—Cranch's United States Circuit Court Reports.
Cr. C. C. ..... Cranch's United States Circuit Court Cases (Reports).
Cr. Cas. Res. ..... Crown Cases Reserved.
Cr. M. & R. ..... Crompton, Meeson & Roscoe's English Exchequer Reports.
Cr. Pat. Dec. ..... Cranch's Decisions on Patent Appeals.
Cr. S. & P. ..... Craigie, Stewart & Paton's Scotch Appeal Cases (same as Paton).
Cr. & Dix. ..... } Crawford & Dix's Irish Circuit Court Cases.
Cr. & Dix C. C. ..... }
Cr. & Dix Ab. Cas. .. Crawford & Dix's (Irish) Abridged Notes of Cases.
Cr. & J. ..... Crompton & Jervis.
Cr. & M. ..... Crompton & Meeson's English Exchequer Reports.
Cr. & Ph. ..... Craig & Phillips' English Chancery Reports.
Crabbe (or Crab.) ... Crabbe's United States District Court Reports.
Craig & Ph. ..... Craig and Phillips' English Chancery Reports.
Craig. & St. ..... Craigie, Stewart & Paton's Scotch Appeals Cases (same as Paton).
Craik C. C. ..... Craik's English Causes Célèbres.
Cranch ..... Cranch's United States Supreme Court Reports.
Cranch C. C. (or D. C.) ..... Cranch's U. S. Circuit Court Reports, District of Columbia.
Cranch Pat. Dec. ..... Cranch's Patent Decisions.
Crane ..... Montana Reports, vol. 22.
Craw. ..... Crawford, Arkansas Reports, vols. 53–67.
Craw. & D. ..... Crawford & Dix's Circuit Court Cases, Ireland.

Craw. & D. Ab. Cas. . . Crawford & Dix's Abridged Cases, Ireland.
Creasy . . . . . Creasy's Ceylon Reports.
Cress. Ins. Cas. . . . . . Cresswell's English Insolvency Cases.
Crim. L. Mag. . . . . . Criminal Law Magazine, Jersey City, N. J.
Crim. Rec. . . . . . Criminal Recorder, Philadelphia;—Criminal Recorder, London;—Criminal Recorder (1 Wheeler's New York Criminal Reports).
Crim. L. Rep. . . . . . Criminal Law Reporter.
Cripp's Ch. Cas. . . . . . Cripp's Church and Clergy Cases.
Critch. . . . . . Critchfield, Ohio State Reports, vols. 5–21.
Cro. . . . . . Croke's English King's Bench Reports;—Kellway's English King's Bench Reports.
Cro. Car. . . . . . Croke's English King's Bench Reports *temp.* Charles I. (3 Cro.).
Cro. Eliz. . . . . . Croke's English King's Bench Reports *temp.* Elizabeth (1 Cro.).
Cro. Jas. . . . . . Croke's English King's Bench Reports *temp.* James (Jacobus) I. (2 Cro.).
Crockford . . . . . English Maritime Law Reports, published by Crockford.
Cromp. . . . . . Star Chamber Cases, by Crompton.
Cromp. Exch. R. . . . . . Crompton's Exchequer Reports, English.
Cromp. M. & R. . . . . . Crompton, Meeson and Roscoe's English Exchequer Reports.
Cromp. R. & C. Pr. . . Crompton's Rules and Cases of Practice.
Cromp. & Jerv. . . . . . Crompton & Jervis' English Exchequer Reports.
Cromp. & Mees. . . . . . Crompton & Meeson's English Exchequer Reports.
Crosw. Pat. Ca. . . . . . Croswell's Patent Cases.
Crounse . . . . . Crounse's Reports (3 Nebraska).
Crowther . . . . . Crowther's Ceylon Reports.
Crumrine . . . . . Pennsylvania State Reports, vols. 116–146.
Ct. App. N. Z. . . . . . Court of Appeals Report, New Zealand.
Ct. Cl. . . . . . Court of Claims, United States.
Cum. & Dun. Rem. Tr. . . . . . Cummins & Dunphy's Remarkable Trials.
Cummins . . . . . Cummins' Idaho Reports.
Cun. (or Cunn.) . . . . . Cunningham's English King's Bench Reports.
Cur. . . . . . Curtis' United States Circuit Court Reports;—Curia.
Cur. Com. . . . . . Current Comment and Legal Miscellany.
Cur. Dec. . . . . . Curtis' Decisions, United States Supreme Court.
Cur. Ov. Ca. . . . . . Curwen's Overruled Cases, Ohio.
Curry . . . . . Curry's Report (6–19 Louisiana).
Curt. . . . . . Curtis' United States Circuit Court Reports;—Curteis' English Ecclesiastical Reports.

Curt. Adm. Dig. .... Curtis' Admiralty Digest.
Curt. C. C. ..... Curtis' United States Circuit Court Decisions.
Curt. Cond. ..... Curtis' (Condensed) Decisions, United States Supreme Court.
Curt. Dec. ..... Curtis' United States Supreme Court Decisions.
Curt. Dig. ..... Curtis' Digest, United States.
Curt. Eccl. ..... Curteis' English Ecclesiastical Reports.
Curtis ..... Curtis' United States Circuit Court Reports.
Curw. ..... Curwen's Over. Cases;—Curwen's Stat., Ohio.
Curw. L. O. ..... Curwen's Laws of Ohio 1854, 1 vol.
Curw. R. S. ..... Curwen's Revised Statutes of Ohio.
Cush. ..... Cushing's Massachusetts Reports;—Cushman's Mississippi Reports.
Cush. Elec. Cas. ..... Cushing's Election Cases in Massachusetts.
Cush. Man. ..... Cushing's Manual.
Cushing ..... Cushing's Masachusetts Reports.
Cushm. (or Cushman) ..... Cushman (vols. 23–29), Mississippi Reports.
Cust. Rep. ..... Custer's Ecclesiastical Reports.
Cyc. ..... Cyclopædia of Law and Procedure.

D

D. ..... Delaware;—Dallas' United States and Pennsylvania Reports;—Denio's Reports, New York;—Dunlop, Bell & Murray's Reports, Scotch Session Cases (Second Series);—Digest of Justinian, 50 books, never been translated into English;—Disney; Divisional Court; Dowling, English; Dominion of Canada.
D. (N. S.) ..... Dowling's Practice Cases, New Series, English.
D. B. ..... Domesday Book.
D. Chip. ..... D. Chipman's Reports, Vermont.
D. G. F. & J. ..... De Gex, Fisher, & Jones' English Chancery Reports.
D. G. F. & J. B. ..... De Gex, Fisher, & Jones' English Bankruptcy Reports.
D. G. ..... De Gex;—De Gex's English Bankruptcy Reports.
D. G. J. & S. ..... De Gex, Jones, & Smith's English Chancery Reports.
D. G. J. & S. B. ..... De Gex, Jones, & Smith's English Bankruptcy Reports.

D. G. M. & G...... De Gex, Macnaghten, & Gordon's English Chancery Reports.

D. G. M. & G. B.... } De Gex, Macnaghten, & Gordon's English
De G. M. & G...... } Bankruptcy Reports.

D. N. S. ..... Dowling's Reports, New Series, English Bail Court;—Dow, New Series (Dow & Clark, English House of Lords Cases).

D. P. C...... Dowling's English Practice Cases.

D. & B...... Dearsly & Bell's English Crown Cases.

D. & C...... Dow & Clark's English House of Lords (Parliamentary) Cases.

D. & Ch...... Deacon & Chitty's English Bankruptcy Reports.

D. & E...... Durnford & East's (Term) Reports, English King's Bench.

D. & J...... De Gex & Jones' English Chancery Reports.

D. & J. B...... De Gex & Jones' English Bankruptcy Reports.

D. & L...... Dowling & Lowndes' English Bail Court Reports.

D. & M...... Davison & Merivale's English Queen's Bench Reports.

D. & P...... Denison & Pearce, English.

D. & R...... Dowling & Ryland's English King's Bench Reports.

D. & R. M. C...... Dowling & Ryland's English Magistrates' Cases.

D. & R. M. P...... Dowling & Ryland's English Nisi Prius Cases.

D. & S...... Drury & Smale's Chancery Reports;—Doctor and Student;—Deane and Swabey.

D. & W...... Drury & Walsh's Irish Chancery Reports;—Drury & Warren's Irish Chancery Reports.

D. & War...... Drury & Warren's Reports, Irish Chancery.

Dak. ..... Dakota;—Dakota Territory Reports.

Dal. ..... Dallas' United States Reports;—Dalison's English Common Pleas Reports (bound with Benloe);—Dalrymple's Scotch Session Cases.

Dal. Coop. ..... Dallas' Report of Cooper's Opinion on the Sentence of a Foreign Court of Admiralty.

Dale ..... Dale, Oklahoma Reports, vols. 2–3.

Dale Ecc. ..... Dale's Ecclesiastical Reports, English.

Dale Leg. Rit...... Dale's Legal Ritual (Ecclesiastical) Reports.

Dalison ..... Dalison's English Common Pleas Reports (bound with Benloe).

De G. M. & G. By. . . . De Gex, Macnaghten, & Gordon's English Bankruptcy Appeals.
De G. & J. . . . . . De Gex & Jones' English Chancery Reports.
De G. & J. By. . . . . . De Gex & Jones' English Bankruptcy Appeals.
De G. & Sm. . . . . . De Gex & Smale's English Chancery Reports.
De Gex . . . . . De Gex's English Bankruptcy Reports.
Del. . . . . . Delaware Reports;—Delane's English Revision Cases.
Del. Ch. . . . . . Delaware Chancery Reports, by Bates.
Del. Co. . . . . . Delaware County Reports (Pa.)
Del. Cr. Cas. . . . . . Delaware Criminal Cases, by Houston.
Del. El. Cas. . . . . . Delane's English Election (Revision) Cases.
Delehanty . . . . . Miscellaneous Reports, New York.
Dem. Surr. . . . . . Demarest's Surrogate Reports, City of New York.
Den. . . . . . Denio's New York Reports;—Denis' Reports (32 Louisiana Annual);—Denied.
Den. C. C. . . . . . Denison's English Crown Cases.
Den. & P. . . . . . Denison & Pearce's English Crown Cases (2 Denison).
Denio . . . . . Denio's New York Reports.
Denis . . . . . Louisiana Reports, vols. 32–46.
Dens. . . . . . Denslow Notes to second edition, vols. 1, 2 and 3, Michigan Reports.
Des. . . . . . Desaussure's South Carolina Equity Reports.
Desaus. Eq. . . . . . Desaussure's South Carolina Equity Reports.
Dest. Cal. Dig. . . . . . Desty's California Digest.
Dev. . . . . . Devereux's North Carolina Law Reports; Devereux's Reports United States Court of Claims.
Dev. C. C. . . . . . Devereux's Reports, United States Court of Claims.
Dev. Eq. . . . . . Devereux's North Carolina Equity.
Dev. L. . . . . . Devereux's North Carolina Law Reports.
Dev. & Bat. . . . . . Devereux & Battle's North Carolina Law Reports.
Dev. & Bat. Eq. . . . . . Devereux & Battle's North Carolina Equity Reports.
Dew. . . . . . Dewey, Kansas Reports, vols. 60–61 and Court of Appeals.
DeWitt . . . . . DeWitt Ohio State Reports, vols. 24–42.
Di. (or Dy.) . . . . . Dyer's English Reports, King's Bench.
Dice . . . . . Dice Indiana Reports, vols. 79–91.
Dick. . . . . . Dickens' English Chancery Reports; Dickinson, vols. 46–58, New Jersey Equity Reports.

Dill. (or Dil.) ..... Dillon's United States Circuit Court Reports.
Dirl. ..... Dirleton's Decisions, Court of Session.
Disn. (or Dis.) ..... Disney's Superior Court Reports (Cincinnati).
Dist. Rep. ..... District Reports.
Dod. (or Dods.) ..... Dodson's English Admiralty Reports.
Dom. Book ..... Domesday Book.
Dom. Proc. ..... Domus Procerum. In the House of Lords.
Domes. ..... Domesday Book.
Donaker ..... Indiana Reports, vol. 154.
Donn. ..... Donnelly's Reports, English Chancery;—Donnelly's Irish Land Cases.
Dor. Q. B. (or Dorion) ..... Dorion's Quebec Queen's Bench Reports;—(Dec. de la Cour D'Appel).
Doug. ..... Douglas' Michigan Reports;—Douglas' English King's Bench Reports;—Douglas' English Election Cases.
Doug. El. Ca. ..... Douglas' English Election Cases.
Doug. (Mich.) ..... Douglas' Law Reports, Michigan.
Dow (or Dow P. C.) .. Dow's House of Lords (Parliamentary) Cases, same as Dow's Reports;—Dowling's English Practice Cases.
Dow & C. ..... Dow & Clark's English House of Lords Cases.
Dow. & L. ..... Dowling & Lowndes' English Bail Court Reports.
Dow. & Ry. ..... Dowling & Ryland's English King's Bench Reports; Dowling & Ryland's English Nisi Prius Cases.
Dow. & Ry. M. C. .... Dowling & Ryland's English Magistrate's Cases.
Dow. & Ry. N. P. ..... Dowling & Ryland's English Nisi Prius Cases. (Often bound at end of vol. I, Dowl. & Ryl. K. B. Rep.).
Dow N. S. ..... Dow & Clark's English House of Lords Cases.
Dow P. C. ..... Dow's Parliamentary Cases.
Dowl. (or Dowl. P. C.) ..... Dowling's English Bail Court (Practice) Cases.
Dowl. N. S. ..... Dowling's English Bail Court Reports; New Series.
Dowl. Pr. C. N. S. .... Dowling's Reports, New Series, English Practice Cases.
Dowl. & Lownd. ..... Dowling & Lowndes' English Practice Cases.
Dowl. & Ryl. ..... Dowling & Ryland's English King's Bench Reports.
Dowl. & Ryl. M. C. .. Dowling & Ryland's English Magistrate's Cases.

Dowl. & Ryl. N. P... Dowling & Ryland's English Nisi Prius Cases.
Down. & Lud..... Downton & Luder's English Election Cases.
Dr. ..... Drewry's English Vice Chancellor's Reports; —Drury's Irish Chancery Reports *temp.* Sugden; Drury's Irish Chancery Reports *temp.* Napier.
Dr. & Sm..... Drewry & Smale's English Vice Chancellor's Reports.
Dr. & Wal..... Drury & Walsh's Irish Chancery Reports.
Dr. & War..... Drury & Warren's Irish Chancery Reports.
Draper ..... Draper's Upper Canada King's Bench Reports (Ontario.)
Drew. ..... Drewry's English Vice Chancellor's Reports; —Drewry's Reports (13 Florida).
Drew. & Sm..... Drewry & Smale's English Vice Chancellor's Reports.
Drink. ..... Drinkwater's English Common Pleas Reports.
Dru. ..... Drury's Irish Chancery Reports *temp.* Sugden.
Dr. R. t. Nap..... } Drury's Irish Chancery Reports *temp.* Napier.
Dru. t. Nap..... }
Drury t. Sug..... } Drury's Irish Chancery Reports *temp.* Sugden.
Dr. R. t. Sug..... }
Dru. & Wal..... Drury & Walsh's Irish Chancery Reports.
Dru. & War..... Drury & Warren's Irish Chancery Reports.
Dub. ..... Dubitatur;—Dubitante.
Dub. Rev. ..... Dublin Review, Dublin, Ir.
Dud. (Ga.) ..... Dudley's Georgia Reports.
Dud. Ch. (or Eq.).... Dudley's South Carolina Equity Reports.
Dud. L. (or S. C.)... Dudley's South Carolina Law Reports.
Duer ..... Duer's New York Superior Court Reports.
Dun. ..... Duncan (see Dunc.);—Dunlap (see Dunl.)
Dun. & Cum..... Dunphy & Cummins' Remarkable Trials.
Dunc. Ent. Cas..... Duncan's Scotch Entail Cases.
Dunc. N. P..... Duncombe's Nisi Prius.
Dunl. Abr. ..... Dunlap's Abridgment of Coke's Reports.
Dunlop (Dunl. B. & M.) ..... Dunlop, Bell & Murray's Reports, Second Series, Scotch Session Cases.
Dunn. ..... Dunning's English King's Bench Reports.
Durf. ..... Durfee's Reports (12 Rhode Island).
Durie ..... Durie's Scottish Court of Session Cases.
Durn. & E..... Durnford & East's English King's Bench Reports (Term Reports).
Dutch. ..... Dutcher's New Jersey Reports.

Duv. ..... Duvall's Kentucky Reports;—Duval, Canada Supreme Court.
Dy. ..... Dyer's English King's Bench Reports.

E

E. ..... East's Reports.
E. & A. ..... Upper Canada Error and Appeal Reports.
E. B. & E. ..... Ellis, Blackburn & Ellis' English Queen's Bench Reports.
E. B. & S. ..... (Ellis) Best & Smith's English Queen's Bench Reports.
E. C. ..... English Cases;—English Chancery; English Chancery Reports;—Election Cases (Ontario).
E. C. L. ..... English Common Law Reports.
E. D. C. ..... Eastern District Court, South Africa.
E. D. S. ..... E. D. Smith's New York Common Pleas Reports.
E. E. ..... English Exchequer Reports.
E. E. R. ..... English Ecclesiastical Reports.
E. L. & Eq. ..... English Law and Equity Reports.
E. P. C. ..... East's Pleas of the Crown.
E. R. ..... East's King's Bench Reports;—Election Reports.
E. R. C. ..... English Ruling Cases.
E. & A. ..... Ecclesiastical and Admiralty;—Error and Appeal;—Spink's Ecclesiastical and Admiralty Reports.
E. & A. R. ..... Error and Appeal Reports, Ontario.
E. & A. W. C. ..... Grant's Error and Appeal Reports, Ontario.
E. & B. ..... Ellis & Blackburn's Queen's Bench Reports.
E. & E. ..... Ellis & Ellis' English Queen's Bench Reports.
E. & I. ..... English and Irish Appeals. House of Lords.
E. & Y. ..... Eagle & Younge's English Tithe Cases.
Ea. ..... East's English King's Bench Reports.
Eag. & Yo. ..... Eagle & Younge's English Tithe Cases.
East ..... East's King's Bench Reports;—East's Notes of Cases in Morley's Indian Digest;—Eastern Reporter.
East N. of C. ..... East's Notes of Cases (in Morley's East Indian Digest).
East Pl. Cr. ..... East's Pleas of the Crown.
East. Rep. ..... Eastern Reporter.
Ebersole ..... Iowa Reports, vols. 59–80.
Eccl. & Ad. ..... Ecclesiastical and Admiralty;—Spink's Ecclesiastical and Admiralty Reports.

Eccl. R. ..... English Ecclesiastical Reports.
Eccl. Stat. ..... Ecclesiastical Statutes.
Ed. ..... Eden's English Chancery Report.
Ed. Bro. ..... Eden's edition of Brown's English Chancery Reports.
Ed. Cr. ..... Edward's New York Chancery Reports.
Ed. & Ord. ..... Edits and Ordonnances. (Lower Canada.)
Eden ..... Eden's English Chancery Reports.
Edg. ..... Edgar's Reports, Court of Session, Scotland.
Edict. ..... Edicts of Justinian.
Edm. Sel. Cas. ..... Edmond's New York Select Cases.
Edw. ..... Edwards' New York Chancery Reports;—Edwards' English Admiralty Reports;—Edwards' Reports (2, 3 Missouri).
Edw. Abr. ..... Edwards' Abridgment of Prerogative Court Cases.
Edw. Adm. ..... Edwards' English Admiralty Reports
Edw. Ch. ..... Edwards' New York Chancery Reports.
Edw. Lead. Dec. ..... Edwards' Leading Decisions in Admiralty (Edwards' Admiralty Reports).
Edw. Pr. Cas. ..... Edwards' Prize Cases (English Admiralty Reports).
Edw. Pr. Ct. Cas. ..... Edwards' Abridgment of Prerogative Court Cases.
Edw. (Tho.) ..... Edwards' English Admiralty Reports.
Efird ..... South Carolina Reports, vols. 45–56.
El. ..... Queen Elizabeth;—Elchies' Decisions, Scotch Court of Session.
E. L. & Eq. ..... English Law and Equity.
El. B. & E. ..... Ellis, Blackburn, & Ellis' English Queen's Bench Reports.
El. Cas. ..... Election Cases.
El. Dict. ..... Elchies' Dictionary of Decisions, Court of Session, Scotland.
El. & Bl. ..... Ellis & Blackburn's English Queen's Bench Reports.
El. & El. ..... Ellis & Ellis' English Queen's Bench Reports.
Elchies' Dict. ..... Elchies' (Dictionary of) Decisions, Scotch Court of Session.
Elec. Cas. N. Y. ..... New York Election Cases (Armstrong's).
Ell. Bl. & Ell. ..... Ellis, Blackburn, & Ellis' English Queen's Bench Reports.
Ell. Dig. ..... Eller's Digest, Minnesota.
Elliott, App. Proc. ..... Elliott's Appellate Procedure.
Ell. & Bl. ..... Ellis & Blackburn's English Queen's Bench Reports.
Ell. & Ell. ..... Ellis & Ellis' English Queen's Bench Reports.

Elm. Dig. ..... Elmer's Digest, New Jersey.
Els. W. Bl. ..... Elsley's edition of Wm. Blackstone's English K. B. Reports.
Enc. Forms ..... Encyclopædia of Forms.
Enc. Pl. & Pr. ..... Encyclopædia Pleading and Practice.
Ency. Law ..... American and English Encyclopædia of Law.
Eng. ..... English;—English's Reports (6–13 Arkansas); —English Reports by N. C. Moak.
Eng. Ad. ..... English Admiralty;—English Admiralty Reports.
Eng. C. C. (or Cr. Cas.) ..... English Crown Cases.
Eng. Ch. ..... English Chancery;—English Chancery Reports.
Eng. C. L. ..... English Common Law Reports.
Eng. Eccl. ..... English Ecclesiastical Reports.
Eng. Exch. ..... English Exchequer Reports.
Eng. Ir. App. ..... Law Reports, English and Irish Appeal Cases.
Eng. Judg. ..... Scotch Court of Session Cases, decided by the English Judges.
Eng. L. & Eq. ..... English Law and Equity Reports.
Eng. R. & C. Cas. ... English Railway and Canal Cases.
Eng. Rep. ..... Moak's English Reports;—English Reports (6–13 Arkansas);—English Reports.
Eng. Rep. R. (or Re.) ..... English Reports, Full Reprint.
Eng. Ru. Ca. ..... English Ruling Cases.
Eng. Ry. & C. Cas. .. English Railway and Canal Cases.
Eng. Sc. Ecc. ..... English and Scotch Ecclesiastical Reports.
Eng. & Ir. App. ..... Law Reports, English and Irish Appeal Cases.
English ..... English's Reports (6–13 Arkansas).
Ent. ..... Coke's Entries;—Rastell's Entries.
Entries, Ancient .... Rastell's Entries (cited in Rolle Abr.).
Eq. Cas. ..... Equity Cases in 9 Modern Reports.
Eq. Cas. Abr. ..... Equity Cases Abridged (English).
Eq. Judg. ..... Equity Judgments (by A'Beckett) New South Wales.
Eq. Rep. ..... Equity Reports;—Gilbert's Equity Reports; —Harper's South Carolina Equity Reports; —The Equity Reports, published by Spottiswoode.
Err. & App. ..... Error and Appeals Reports, Upper Canada.
Ersk. Dec. ..... Erskin's U. S. Circuit Court, etc., Decisions, in vol. 35 Georgia Reports.
Ersk. Inst. ..... Erskine's Institutes.
Esp. ..... Espinasse's English Nisi Prius Reports.

Ev. Tr. ..... Evans' Trial.
Ewell L. C. ..... Ewell's Leading Cases on Infancy, etc.
Ex. C. R. ..... Exchequer Court of Canada Reports.
Ex. D. (or Ex. Div.) .. Exchequer Division, English Law Reports.
Exch. ..... Exchequer; — Exchequer Reports (Welsby, Hurlstone, & Gordon);—English Law Reports, Exchequer;—English Exchequer Reports.
Exch. Can. ..... Exchequer Reports, Canada.
Exch. Cas. ..... Exchequer Cases (Legacy Duties, etc.), Scotland.
Exch. Div. ..... Exchequer Division, English Law Reports.
Exch. Rep. ..... Exchequer Reports.
Eyre ..... Eyre's Reports, English.

F

F. ..... Federal Reporter; — Fitzherbert's Abridgment.
F. Abr. ..... Fitzherbert's abridgment is commonly referred to by the other law writers by the title and number of the placita only, e. g. "coron, 30."
F. B. C. ..... Fonblanque's Bankruptcy Cases.
F. B. R. ..... Full Bench Rulings, Bengal.
F. B. R. N. W. P. .... Full Bench Rulings, Northwest Provinces, India.
F. C. ..... Federal Cases.
F. N. B. ..... Fitzherbert's Natura Brevium.
F. R. ..... Federal Reporter.
F. & F. ..... Foster & Finlayson's English Nisi Prius Reports.
F. & Fitz. ..... Falconer & Fitzherbert's English Election Cases.
F. & J. Bank. De Gex. . Fisher & Jones' English Bankruptcy Reports.
F. & S. ..... Fox and Smith's Irish King's Bench Reports.
Fairfield ..... Fairfield's Reports (10–12 Maine).
Fale. ..... Falconer Scotch Court of Session Cases.
Fale. & Fitz. ..... Falconer & Fitzherbert's English Election Cases.
Fam. Cas. Cir. Ev. .... Famous Cases of Circumstantial Evidence, by Phillips.
Far. (or Farr.) ..... Farresley (see Farresley).
Farresley ..... Farresley's Reports (7 Modern Reports);—Farresley's Cases in Holt's King's Bench Reports.
Fed. Ca. ..... Federal Cases.

Fed. Rep. ..... Federal Reporter.
Fent. Imp. Judg. .... Fenton's Important Judgments, New Zealand.
Fent. N. Z. ..... Fent's New Zealand Reports.
Ferg. Cons. ..... Fergusson's (Scotch) Consistorial Reports.
Fergusson ..... (Fergusson of) Kilgerran's Scotch Session Cases.
Ff. ..... Pandectæ (Juris Civilis).
Fin. ..... Finch's English Chancery Reports;—Finlason (see Finl.).
Finch ..... English Chancery Reports *temp.* Finch.
Finch Ins. Dig. ..... Finch's Insurance Digest.
Finch L. C. ..... Finch's Land Cases.
Finl. L. C. ..... Finlason's Leading Cases on Pleading.
Finl. Rep. ..... Finlason's Report of the Gurney Case.
First pt. Edw. III. .. Part II of the Year Books.
First pt. H. VI. ..... Part VII of the Year Books.
Fish. ..... Fisher's U. S. Patent Cases;—Fisher's U. S. Prize Cases.
Fish. Cas. ..... Fisher's Cases, United States District Courts.
Fish. Pat. ..... } Fisher's United States Patent Cases.
Fish. Pat. Cas. ..... }
Fish. Pat. Rep. ..... Fisher's United States Patent Reports.
Fish. Prize ..... } Fisher's United States Prize Cases.
Fish. Pr. Cas. ..... }
Fits. ..... Fitzherbert's Abridgment, (see F.).
Fitzg. ..... Fitzgibbon's English King's Bench Reports.
Fitzh. N. B. ..... Fitzherbert's New Natura Brevium.
Fl. ..... Fleta;—Flanders (see Fland.).
Fl. & K. (or Fl. & Kel.) ..... Flanagan & Kelly's Irish Rolls Court Reports.
Fla. ..... Florida;—Florida Reports.
Flan. & Kel. ..... Flanagan & Kelly's Irish Rolls Court Reports.
Flip. ..... Flippin's United States Circuit Court Reports.
Flor. ..... Florida;—Florida Reports.
Fogg. ..... Fogg, New Hampshire Reports, vols. 32–37.
Fol. P. L. Cas. ..... Foley's Poor Law Cases.
Fonbl. B. ..... Fonblanque's English Cases (or New Reports) in Bankruptcy.
For. ..... Forrest's Exchequer Reports;—Forrester's Chancery Reports (Cases *temp.* Talbot).
For. Cas. & Op. ..... Forsyth's Cases and Opinions.
For. de Laud. ..... Fortescue's de Laudibus Legum Angliæ.
Forb. ..... Forbes' Decisions in the Scotch Court of Session.

Forman ..... Forman's Reports, Illinois.
Forr. ..... Forrest's English Exchequer Reports;—Forrester's English Chancery Cases (commonly cited, Cases *temp.* Talbot).
Forrest ..... Forrest's Reports, English Exchequer.
Fors. Cas. & Op...... Forsyth's Cases and Opinions on Constitutional Law.
Fort. ..... Fortesque's English King's Bench, etc., Reports.
Forum ..... Forum (periodical), Baltimore and New York.
Fost. ..... Foster's English Crown Law or Crown Cases;—Foster's N. H. Reports;—Foster's Legal Chronicle Reports, Pennsylvania; Foster, Hawaiian Reports, vols. 5, 6 and 8.
Fost. & Fin...... Foster & Finlason's English Nisi Prius Reports.
Foster ..... Foster's English Crown Law;—Legal Chronicle Reports (Pa.), edited by Foster;—Foster's N. H. Reports.
Fount. ..... Fountainhall's Decisions, Scotch Court of Session.
Fowl. L. Cas...... Fowler's Leading Cases on Collieries.
Fox ..... Fox's Reports, English.
Fox Reg. Ca...... Fox's Registration Cases.
Fox & Sm...... Fox & Smith's Irish King's Bench Reports.
Fr. ..... Freeman's English King's Bench and Chancery Reports; Fragment.
Fr. Ch. ..... Freeman's English Chancery Reports;—Freeman's Mississippi Chancery Reports.
Fr. E. C...... Fraser's Election Cases.
Franc. Judg. ..... Francillon's Judgments, County Courts.
France ..... France's Reports (3–11 Colorado).
Fras. Elec. Cas...... Fraser's English Election Cases.
Fraser ..... Fraser's English Cases of Controverted Elections.
Fras. (or Fras. Adm.) ..... Frazer's Admiralty Cases, etc., Scotland.
Free. ..... Freeman's English King's Bench Reports (1 Free., King's Bench Reports;—2 Free., Chancery Reports);—see also Freem.
Free. Ch. ..... Freeman's English Chancery Reports;—Freeman's Mississippi Chancery Reports.
Freem. C. C...... Freeman's English Chancery Cases.
Freem. (Ill.) ..... Freeman's Reports (Illinois).
Freem. K. B...... Freeman's English King's Bench Reports.
Fries Tr. ..... Trial of John Fries (Treason).
Frith. ..... Opinion Attorneys-General, pt. 2, vol. 21.
Full B. R...... Full Bench Rulings, Bengal (or Northwestern Provinces).

Fuller ..... Vols. 59–105, Michigan Reports, vols. 59–105.
Fulton ..... Fulton's Reports, Bengal.

G

G. ..... Gale's English Exchequer Reports.
G. Gr. ..... G. Greene's Iowa Reports.
G. M. Dudl. ..... G. M. Dudley's Georgia Reports.
G. O. ..... General Orders, Court of Chancery (Ontario).
G. & D. ..... Gale & Davidson's English Queen's Bench Reports.
G. & G. ..... Goldsmith & Gutrie, Missouri.
G. & J. ..... Gill & Johnson's Maryland Reports;—Glyn & Jameson's English Bankruptcy Reports.
G. & T. ..... Gould & Tucker's Notes on Revised Statutes of United States.
Ga. ..... Georgia;—Georgia Reports.
Ga. Dec. ..... Georgia Decisions.
Ga. Supp. ..... Lester's Supplement (33 Georgia).
Galbraith ..... Galbraith's Florida Reports, vols. 9–12.
Galb. & M. ..... Galbraith & Meek's Reports (12 Florida).
Gale ..... Gale's English Exchequer Reports.
Gale & Dav. ..... Gale & Davison's Queen's Bench.
Gall. (or Gal.) ..... Gallison's Reports, United States Circuit Courts.
Gall. Cr. Cas. ..... Gallick Reports (French Criminal Cases).
Gamb. & Barl. ..... Gamble & Barlow's Digest, Irish.
Gantt. Dig. ..... Gantt's Digest Statutes, Arkansas.
Gard. N. Y. Rept. ... Gardenier's New York Reporter.
Gardenhire ..... Gardenhire's Reports (14, 15 Missouri).
Gardn. P. C. ..... Gardner Peerage Case, reported by Le Marchant.
Gaspar ..... Gaspar's Small Cause Court Reports, Bengal.
Gayarré ..... Gayarré's Reports (25–28 Louisiana Annual).
Gaz. Bank. ..... Gazette of Bankruptcy, London.
Gaz. Dig. ..... Gazzam's Digest of Bankruptcy Decisions.
G. Coop. ..... G. Cooper's English Chancery.
Gaz. & B. C. Rep. .... Gazette & Bankrupt Court Reporter, New York.
Geld. & M. ..... Nova Scotia Reports (Russell & Geldert).
Geldert ..... Geldert & Maddock (vol. 6 Maddock's Reports).
Geld. & Ox. ..... Nova Scotia Decisions, by Geldert & Oxley.
Geld. & R. ..... Geldert & Russell, Nova Scotia.
Gen. Abr. Cas. Eq. ... General Abridgment of Cases in Equity (Equity Cases Abridged).

Gen. Dig. ..... General Digest American and English Reports.
Gen. Ord. ..... General Orders. (Ontario Court of Chancery.)
Gen. Ord. Ch...... General Orders of the High Court of Chancery.
Geo. ..... Georgia;—Georgia Reports;—King George (as 13 Geo. II).
Geo. Coop. ..... George Cooper's English Chancery Cases, time of Eldon.
Geo. Dec. ..... Georgia Decisions.
Geo. Dig. ..... George's Digest, Mississippi.
George ..... George's Reports (30–39 Mississippi).
Gib. Dec. ..... Gibson's Scottish Decisions.
Gibbs ..... Gibbs' Reports (2–4 Michigan).
Gibbs' Jud. Chr...... Gibbs' Judicial Chronicle.
Gibson ..... (Gibson of) Durie's Decisions, Scotch Court of Session.
Gif. (or Giff.)..... Giffard's English Vice-Chancellors' Reports.
Giff. & H...... Giffard and Hemming's Reports, English Chancery.
Gil. ..... Gilman's Reports (6–10 Illinois);—Gilmer's Virginia Reports;—Gilbert's English Chancery Reports;—Gilbert's English Cases in Law and Equity.
Gif. & Fal. ..... Gilmour & Falconer's Scotch Session Cases.
Gilb. ..... Gilbert's Reports, English Chancery.
Gilb. Cas. ..... Gilbert's English Cases in Law and Equity.
Gilb. Ch. ..... Gilbert's English Chancery Reports.
Gilb. Eq. ..... Gilbert's English Equity or Chancery Reports.
Gilb. Rep. ..... Gilbert's English Chancery Reports.
Gild. ..... Gildersleeve's Reports (1–8 New Mexico).
Gilfillan ..... Gilfillan's edition of Minnesota Reports.
Gill. ..... Gill's Maryland Reports.
Gill. Pol. Rep...... Gill's Police Court Reports, Boston, Massachusetts.
Gill. & Johns. ..... Gill & Johnson's Maryland Reports.
Gilm. ..... Gilman's Reports (6–10 Illinois);—Gilmer's Reports, Virginia;—Gilmour's Reports, Scotch Court of Session.
Gilm. Dig. ..... Gilman's Digest, Illinois and Indiana.
Gilm. & Falc. ..... Gilmour & Falconer's Reports, Scotch Court of Session.
Gilp. ..... Gilpin's United States District Court Reports.
Gilp. Opin. ..... Gilpin's Opinions of the United States Attorneys-General.

Gl. & J......Glyn & Jameson's English Bankruptcy Reports.
Glanv. .....Glanville de Legibus.
Glanv. El. Cas......Glanville's English Election Cases.
Glas. (or Glasc.)....Glascock's Reports in all the Courts of Ireland.
Glenn .....Glenn's Reports (16–18 Louisiana Annual).
Glyn & Jam. .....Glyn & Jameson's Reports, English Bankruptcy.
Godb. .....Godbolt's English King's Bench Reports.
Goeb. (or Go.).....Goebel's Probate Court Cases.
Gold. (or Goldes.)...Goldesborough's or Gouldsborough's English K. B. Reports.
Gold. & G......Goldsmith & Guthrie, vols. 36–67 Missouri Appeals.
Good. Pat. .....Goodeve's Abstract of Patent Cases.
Good. & Wood......Full Bench Rulings, Bengal, edited by Goodeve & Woodman.
Gordon .....Colorado Reports, vols. 24–26 and Colorado Appeals, vols. 10–13.
Gosf. .....Gosford's Manuscript Reports, Scotch Court of Session.
Gould. .....Gouldsborough's English King's Bench Reports.
Gould & T......Gould & Tucker's Notes on Revised Statutes of United States.
Gow (or Gow N. P.)..Gow's English Nisi Prius Cases.
Gr. .....Grant's Cases, Pennsylvania;—Green's New Jersey Reports;—Greenleaf's Maine Reports;—Grant's Cases, Canada;—Grant's Chancery Reports (Ontario).
Gr. Ca. .....Grant's Cases.
Gr. Eq. (or Ch.).....(H. W.) Green's New Jersey Equity Reports;—Gresley's Equity Evidence.
Gra. .....Grant (see Grant); Graham, Georgia Reports, vols. 98–107.
Granger .....Granger, Ohio State Reports, vols. 22–23.
Grant .....Grant's Upper Canada Chancery Reports;—Grant's Pennsylvania Cases;—(Grant of) Elchies' Scotch Session Cases;—Grant's Jamaica Reports.
Grant Cas. .....Grant's Pennsylvania Cases.
Grant Ch. .....Grant's Upper Canada Chancery Reports.
Grant E. & A......Grant's Error and Appeal Reports, Ontario.
Grant, Jamaica ....Grant's Jamaica Reports.
Grant Pa. .....Grant's Pennsylvania Cases.
Grant U. C......Grant's Upper Canada Chancery Reports.
Grat. (or Gratt.)....Grattan's Virginia Reports.

Gray ..... Gray's Massachusetts Reports;—Gray, North Carolina. Vols. 112–122.
Green ..... Green's New Jersey Law or Equity Reports;—Green's Reports (11–17 Rhode Island);—G. Greene's Iowa Reports;—Greenleaf's Reports, first 9 vols. of Maine Reports;—Green, vol. 1 Oklahoma Reports.
Green (C. E.) ..... C. E. Green's Chancery Reports, New Jersey.
Green Ch. ..... H. H. Green's New Jersey Chancery Reports, (vols. 2–4 N. J. Eq.).
Green Cr. L. Rep. .... Green's Criminal Law Reports.
Greene G. ..... Greene's Iowa Reports.
Green L. (or N. J.) .. J. S. Green's Law Reports (13–15 New Jersey Law).
Green. Ov. Cas. ..... Greenleaf's Overruled Cases.
Green Sc. Tr. ..... Green's Scottish Trials for Treason.
Greene ..... G. Greene's Iowa Reports;—C. E. Green's N. J. Equity Reports (16–27 N. J. Eq.):—Greene, vol. 7, New York Annotated Cases.
Greenl. ..... Greenleaf's Reports (1–9 Maine).
Greenl. Ov. Cas. .... Greenleaf's Overruled Cases.
Gren. ..... Grener's Ceylon Reports.
Grif. L. Reg. ..... Griffith's Law Register, Burlington, N. J.
Grif. P. R. Cas. ..... Griffith's English Poor Rate Cases.
Griffith ..... Vols. 1–5 Indiana Appeals, and vols. 117–132 Indiana Reports.
Grisw. ..... Griswold, Ohio Reports, vols. 14–19.
Gro. ..... Grotius, De Jure Belli et Pacis.
Gundry ..... Gundry Manuscript, Lincoln's Inn Library.
Guthrie ..... Missouri Appeals Reports, vols. 33–83.
Guth. Sh. Cas. ..... Guthrie's Sheriff Court Cases, Scotland.
Gwil. Ti. Cas. ..... Gwillim's Tithe Cases.

H

H. ..... Howard's United States Supreme Court Reports;—Hill's New York Reports.
H. Bl. ..... Henry Blackstone's English Common Pleas Reports.
H. C. R. ..... High Court Reports, India.
H. C. R. N. W. P. .... High Court Reports, Northwest Provinces, India.
H. E. C. ..... Hodgin's Election Cases (Ontario).
H. L. (or H. L. Cas.) .. House of Lords' Cases.
H. L. Rep. ..... English House of Lords' Reports.
H. P. C. ..... Hale's Pleas of the Crown; Hawkin's Pleas of the Crown.

H. W. Gr......H. W. Green's New Jersey Equity Reports.
H. & B......Hudson & Brooke's Irish King's Bench Reports.
H. & C......Hurlstone & Coltman's English Exchequer Reports.
H. & D......Lalor's Supplement to Hill & Denio's New York Reports.
H. & G......Harris & Gill's Maryland Reports; Hurlstone & Gordon.
H. & H......Horn & Hurlstone's English Exchequer Reports;—Harrison & Hodgin's Municipal Reports, Upper Canada.
H. & J......Harris & Johnson's Maryland Reports;—Hayes & Jones' Exchequer Reports, Ireland.
H. & M......Hening & Munford's Virginia Reports;—Hemming & Miller's English Vice-Chancellors' Reports.
H. & M. Ch......Hemming & Miller's Chancery Reports, English.
H. & McH......Harris & McHenry's Maryland Reports.
H. & N......Hurlstone & Norman's English Exchequer Reports.
H. & P......Hopwood & Philbrick's English Election Cases.
H. & R......Harrison & Rutherford's English Common Pleas Reports.
H. & S......Harris & Simrall, Mississippi.
H. & T......Hall & Twell's English Chancery Reports.
H. & T. Self-Def......Horrigan & Thompson's Cases on the Law of Self-Defense.
H. & W......Harrison & Wollaston's English King's Bench Reports;—Hurlstone & Walmsley's English Exchequer Reports.
Ha......Hare's Chancery Reports; Hall; Haggard.
Ha. & Tw......Hall & Twell's English Chancery Reports.
Had......Haddington; Hadley N. H. Reports.
Haddington.....Haddington's Manuscript Reports, Scotch Court of Session.
Hadley (or Hadl.)...Hadley, New Hampshire Reports, vols. 45–48.
Hag. (or Hagg.) Adm...Haggard's English Admiralty Reports.
Hag. (or Hagg.) Con. Haggard's English Consistory Reports.
Hag. (or Hagg.) Ecc..Haggard's English Ecclesiastical Reports.
Hagan.....Hagan's Utah Reports. Vols. 1–2.
Hagans.....Hagans' Reports (1–5 West Virginia).
Hagn. & Mill......Hagner & Miller's Reports (2 Maryland Chancery).
Hailes.....Hailes' Decisions, Scotch Court of Session.

Hal. Law ..... Halsted's New Jersey Law Reports.
Hale. Min. Cas. ..... Halcomb's Mining Cases, London, 1826.
Hale ..... Hale's Reports (33–37 California).
Hale Prec. ..... Hale's Precedents in (Ecclesiastical) Criminal Cases.
Hale P. C. ..... Hale's Pleas of the Crown.
Hale Ecc. ..... Hale's Ecclesiastical Reports, English.
Hale C. L. ..... Hale's History of the Common Law.
Halk. Comp. ..... Halkerston's Compendium of Scotch Faculty Decisions.
Hall ..... Hall's New York Superior Court Reports;—Hall's Reports (56, 57 New Hampshire); Hallett (1 and 2 Colorado).
Hall & Tw. ..... Hall & Twell's Reports, English Chancery.
Hallett ..... Hallett's Reports (1, 2 Colorado).
Hals. ..... Halsted's New Jersey Law Reports.
Hals. Ch. (or Eq.) ... Halsted's New Jersey Equity Reports.
Ham. A. & O. ..... Hammerton, Allen & Otter, English Magistrates' Cases. Vol. 3 New Sessions Cases.
Ham. ..... Hammond's Nisi Prius; Hammond's Reports, vols. 1–9 Ohio Reports.
Hamilton ..... (Hamilton of) Haddington's Manuscript Cases, Scotch Court of Session; Hamilton, American Negligence Cases.
Hamlin ..... Maine Reports, vols. 81–93.
Hammond ..... Hammond's Reports (1–9 Ohio);—Hammond's Reports (36–45 Georgia).
Hammond & Jackson. Hammond & Jackson's Reports (45 Georgia).
Han. ..... Hannay's Reports, New Brunswick.
Hand ..... Hand, New York Reports, vols. 40–45;—Handy's Ohio Reports.
Handy (or Han.) .... Handy's Ohio Reports.
Hanes ..... Hane's English Chancery.
Hanmer ..... Lord Kenyon's Notes (English King's Bench Reports), edited by Hanmer.
Han. (N. B.) ..... Hannay's New Brunswick Reports, (vols. 12, 13).
Hann. ..... Hannay's New Brunswick Reports, (vols. 12, 13).
Hansb. ..... Hansbrough, Virginia Reports, vols. 76–90.
Har. ..... Harmonized;—Harrison (see Harr.); Harrington's Chancery Reports, Michigan.
Har. (Del.) ..... Harrington's Delaware Reports (1–5).
Har. St. Tr. ..... Hargrave's State Trials.
Har. & Gill ..... Harris & Gill's Maryland Reports.
Har. & John. ..... Harris & Johnson's Maryland Reports.
Har. & McH. ..... Harris & M'Henry's Maryland Reports.
Har. & Ruth. ..... Harrison & Rutherford's English Common Pleas Reports.

Har. & Woll. ..... Harrison & Wollaston's English King's Bench Reports.
Harc. ..... Harcarse's Decisions, Scotch Court of Session.
Hard. (or Hardin). .. Hardin's Kentucky Reports.
Hard. (or Hardres). .. Hardres' English Exchequer Reports.
Hardes. ..... Hardesty. Delaware Term Reports.
Hardw. ..... Cases *temp.* Hardwicke, by Ridgway;—Cases *temp.* Hardwicke, by Lee.
Hare ..... Hare's English Vice-Chancellors' Reports.
Hare & Wal. L. C. .... American Leading Cases, edited by Hare & Wallace.
Harg. ..... Hargrave's State Trials;—Hargrove, North Carolina Reports, vols. 68–75.
Harg. St. Tr. ..... Hargrave's State Trials.
Hargrove ..... Hargrove, North Carolina Reports, vols. 68–75.
Harm. ..... Harmon's Reports (13–15 California);—Harmon's Upper Canada Common Pleas Reports.
Harp. ..... Harper's South Carolina Law Reports.
Harp. Con. Cas. ..... Harper's Conspiracy Cases, Maryland.
Harp. Eq. ..... Harper's Equity Reports, South Carolina.
Harp. L. (or S. C.). .. Harper's South Carolina Law Reports.
Harr. ..... Harrison's Reports, New Jersey; Harrington's Reports, Delaware;—Harrington's Chancery Reports, Michigan;—Harris' Reports (13–24 Pennsylvania State);—Harrison's Reports (15–17 and 23–29 Indiana).
Harr. Con. La. R. .... Harrison's Condensed Louisiana Reports.
Harr. Dig. ..... Harrison's Digest, English.
Harr. (Mich.) ..... Harrington's (Michigan) Chancery Reports.
Harr. (N. J.) ..... Harrison, New Jersey Law Reports (16–19).
Harr. & G. ..... Harris & Gill's Maryland Reports.
Harr. & Hodg. ..... Harrison & Hodgin's Upper Canada Municipal Reports.
Harr. & J. ..... Harris & Johnson's Maryland Reports.
Harr. & McH. ..... Harris & McHenry's Maryland Reports.
Harr. & Ruth. ..... Harrison & Rutherford's English Common Pleas Reports.
Harr. & Sim. ..... Harris & Simrall's Reports (49–52 Mississippi).
Harr. & Woll. ..... Harrison & Wollaston's English King's Bench Reports.
Harring. ..... Harrington's Delaware Reports;—Harrington's Michigan Chancery Reports.
Harris ..... Harris Pennsylvania Reports (13–24 Pennsylvania State).

Harris Dig. ..... Harris' Digest, Georgia Reports.
Harris & Simrall. .. Harris & Simrall's Reports (49–52 Mississippi).
Harrison ..... Harrison's Reports (15–17 and 23–29 Indiana).
Hart. ..... Hartley's Reports 4–10 Texas; Hartley's Digest of Texas Laws.
Hartley ..... Hartley's Reports (4–10 Texas).
Hartley & Hartley. .. Hartley & Hartley's Reports (11–21 Texas).
Hask. ..... Haskell's U. S. Circuit Court Reports.
Hast. ..... Hasting's Reports (69–70 Maine).
Hav. Ch. Rep. ..... Haviland's Chancery Reports, Prince Edward Island.
Hav. P. E. I. ..... Haviland's Reports, Prince Edward Island.
Haw. ..... Hawkins (see Hawk.);—Hawaiian Reports; Hawley, vols. 10–20, Nevada.
Hawaiian Rep. .... Hawaiian Reports.
Haw. Cr. Rep. ..... Hawley's American Criminal Reports.
Haw. W. C. ..... Hawes Will Case.
Hawk. Co. Litt. .... Hawkins' Coke upon Littleton.
Hawk. Pl. Cr. ..... Hawkins' Pleas of the Crown.
Hawkins ..... Hawkins' Reports (19–24 Louisiana Annual).
Hawks ..... Hawks' North Carolina Reports.
Hawley ..... Nevada Reports, vols. 10–20.
Hawl. Cr. R. ..... Hawley's American Criminal Reports.
Hay. ..... Haywood's North Carolina Reports;—Haywood's Tennessee Reports;—Haywood's Reports are sometimes referred to as though numbered consecutively from North Carolina through Tennessee;—Hayes' Irish Exchequer Reports;—see also Hayes; Hayes' Reports, Calcutta; Hay's Scotch Decisions.
Hay Acc. (or Dec.) .. Hay's Decisions on Accidents and Negligence.
Hay. Exch. ..... Hayes' Irish Exchequer Reports.
Hay P. L. ..... Hay's Poor Law Decisions.
Hay & H. ..... Hayward & Hazelton's U. S. Circuit Court Reports.
Hay. & Haz. ..... Hayward & Hazelton, Circuit Court, District of Columbia.
Hay. & J. ..... Hayes & Jones, Irish.
Hay & M. (or Marr.). .. Hay & Marriott's Admiralty Reports (usually cited, Marriott's Reports).
Hayes (or Hayes Exch.) ..... Hayes' (Irish) Exchequer Reports.
Hayes & Jo. (Jon.). .. Hayes & Jones' Irish Exchequer Reports.
Hayn. Lead. Cas. .... Haynes' Student's Leading Cases.
Hayw. ..... Haywood's North Carolina Reports;—Haywood's Tennessee Reports (see Hay).

Hayw. & H. ..... Hayward & Hazelton, Circuit Court Reports.
Hayw. L. R. ..... Hayward's Law Register, Boston.
Head. ..... Head's Tennessee Reports.
Heath. ..... Heath's Reports (36–40 Maine).
Heck. Cas. ..... Hecker's Cases on Warranty.
Hedges ..... Montana Reports, vols. 2–6.
Heisk. ..... Heiskell's Tennessee Reports.
Helm ..... Helm's Reports (2–9 Nevada).
Hem ..... Hempstead, United States;—Hemmingway, Mississippi.
Hem. & M. ..... Hemming & Miller's English Vice-Chancellors' Reports.
Hemp. (or Hempst.). .. Hempstead's United States Circuit Court Reports.
Hen. Bl. ..... Henry Blackstone's English Common Pleas Reports.
Hen. Man. Cas. .... Henry's Manumission Cases.
Hen. & Mun. ..... Hening & Munford's Virginia Reports.
Hepb. ..... Hepburn's Reports (3, 4 California); Hepburn (vol. 13, Pennsylvania State Reports).
Het. (or Hetl.) ..... Hetley's English Common Pleas Reports.
Heyw. Ca. ..... Heywood's Table of Cases, Georgia.
Hibb. ..... Hibbard, Opinions Attorneys-General, vol. 20; Hibbard, vol. 67 New Hampshire Reports.
High Ct. ..... High Court Reports, Northwest Provinces of India.
Hight ..... Iowa Reports, vols. 57–58.
Hill ..... Hill's N. Y. Reports;—Hill's Law Reports, South Carolina.
Hill Eq. (or Ch.) ... Hill's Equity South Carolina Reports.
Hill N. Y. ..... Hill's New York Reports.
Hill S. C. ..... Hill's South Carolina Reports (Law or Equity).
Hill & Den. ..... Hill & Denio, New York.
Hill & Den. Supp. .. Lalor's Supplement to Hill & Denio's Reports, New York.
Hillyer ..... Hillyer's Reports (20–22 California).
Hilt. ..... Hilton's New York Common Pleas Reports.
Hines ..... Kentucky Reports, vols. 83–96.
Ho. Lords Cas. ..... House of Lords' Cases (Clark's).
Hob. ..... Hobart's English King's Bench Reports.
Hodg. ..... Hodges' English Common Pleas Reports.
Hodg. Can. Elec. Cas. Hodgin's Canada Election Cases.
Hoff. ..... Hoffman's Land Cases, United States District Court;—Hoffman's New York Chancery Reports.
Hoff. Ch. ..... Hoffman's New York Chancery Reports.
Hoff. Land (or Hoff. L. C.) ..... Hoffman's Land Cases.

Hoff. Lead. Cas. .... Hoffman's Leading Cases on Commercial Law.
Hoff. N. Y. ..... Hoffman's New York Chancery Reports.
Hoffm. Ch. ..... Hoffman's New York Chancery Reports.
Hog. ..... Hogan's Irish Rolls Court Reports; (Hogan of) Harcarse's Scotch Session Cases.
Hog. St. Tr. ..... Hogan's State Trials, Pennsylvania.
Hogue ..... Hogue's Reports (1–4 Florida).
Holc. L. Cas. ..... Holcombe's Leading Cases of Commercial Law.
Hollinshead. ..... Hollinshead's Minnesota Reports (vol. 1, Minnesota Reports).
Holm. (or Holmes) .. Holmes' United States Circuit Court Reports; Holmes. Vols. 13–17 Oregon.
Holt. ..... Holt's English King's Bench Reports;—Holt's English Nisi Prius Reports;—Holt's English Equity Reports.
Holt. Adm. Cas. .... Holt's English Admiralty Cases (Rule of the Road).
Holt Eq. ..... Holt's English Equity Reports.
Holt K. B. ..... Holt's English King's Bench Reports.
Holt N. P. ..... Holt's English Nisi Prius Reports.
Holt R. of R. ..... Holt's Rule of the Road Cases.
Home ..... Home's Manuscript Decisions, Scotch Court of Session;—see also Kames.
Home H. Dec. ..... Home's Manuscript Decisions, Scotch Court of Session.
Hooker ..... Hooker's Reports (25–62 Connecticut).
Hoon. ..... Hoonahan's Sind Reports, India.
Hop. & C. ..... Hopwood & Coltman's English Registration Cases.
Hop. & Ph. ..... Hopwood & Philbrick's English Registration Cases.
Hope ..... Hope (of Kerse) Manuscript Decisions, Scotch Court of Session.
Hopk. Adm. (or Judg.) Hopkinson's Pennsylvania Admiralty Judgments.
Hopk. Adm. Dec. ... Admiralty Decisions of Hopkinson in Gilpin's Reports.
Hopk. Ch. ..... Hopkins' New York Chancery Reports.
Hopw. & Colt. ..... Hopwood & Coltman's English Registration Appeal Cases.
Hopw. & Phil. ..... Hopwood & Philbrick's English Registration Appeal Cases.
Hor. & Th. Cas. .... Horrigan & Thompson's Cases on Self-Defense.
Horn & H. ..... Horn & Hurlstone's English Exchequer Reports.

Horne, M. J. ..... Horne's Mirror of Justice.
Horr. & Th. ..... Horrigan & Thompson's Cases on Self-Defense.
Horner ..... South Dakota Reports, vols. 11–23.
Horw. Y. B. ..... (Horwood's) Year Books of Edward I.
Hoskins. ..... Vol. 2, North Dakota.
Hough C.-M. Cas. ... Hough's Court-Martial Case Book, London, 1821.
Houghton ..... Vol. 97, Alabama Reports.
Hous. ..... Houston's Delaware Reports.
House of L. ..... House of Lords Cases.
Houst. ..... Houston's Delaware Reports.
Houst. Cr. Cas. ..... Houston's Delaware Criminal Cases.
Hov. Sup. ..... Hovenden's Supplement to Vesey, Jr.'s English Chancery Reports.
How. ..... Howard's United States Supreme Court Reports;—Howard's Mississippi Reports;—Howard's N. Y. Practice Reports;—Howell, Nevada Reports, vols. 22–23.
How. App. ..... Howard's New York Court of Appeals Cases.
How. Cas. ..... Howard's New York Court of Appeals Cases;—Howard's Popery Cases.
How. Cr. Tr. ..... Howison's Criminal Trials (Virginia).
How. (Miss.) ..... Howard's Mississippi Law Reports.
How. N. S. ..... Howard's Practice Reports; New Series, N. Y.
How. Pr. ..... Howard's New York Practice Reports.
How. Pr. N. S. ..... Howard's New York Practice Reports, New Series.
How. S. C. (or U. S.). .. Howard's United States Supreme Court Reports.
How. St. Tr. ..... Howell's English State Trials.
How. & Beat. ..... Howell & Beatty, Nevada Reports, vol. 22.
How. & Nor. ..... Howell & Norcross, Nevada Reports, vols. 23–24.
Howell N. P. ..... Howell's Nisi Prius Reports, Michigan.
Hu. ..... Hughes' U. S. Circuit Reports;—Hughes' Kentucky Reports.
Hubbard ..... Hubbard's Reports (45–51 Maine).
Hub. Leg. Direc. .... Hubbell's Legal Directory.
Hud. & Br. ..... Hudson's & Brooke's Irish King's Bench Reports.
Hugh. ..... Hughes' United States Circuit Court Reports;—Hughes' Kentucky Reports.
Hugh. (Ky.) ..... Hughes' Kentucky Reports.
Hughes ..... Hughes' United States Circuit Court Reports.
Hum. ..... Humphrey's Tennessee Reports.
Hume ..... Hume's Scotch Session Cases.

Humph. ..... Humphrey's Tennessee Reports.
Hun ..... Hun's New York Supreme Court Reports, also Appellate Division Supreme Court, New York.
Hunt Cas. ..... Hunt's Annuity Cases.
Hur. ..... Hurlstone (see Hurl.).
Hurl. & Colt. ..... Hurlstone & Coltman's English Exchequer Reports.
Hurl. & Gord. ..... Hurlstone & Gordon's Reports (10, 11 Exchequer Reports, English).
Hurl. & Nor. ..... Hurlstone & Norman's English Exchequer Reports.
Hurl. & Walm. ..... Hurlstone & Walmsley's English Exchequer Reports.
Hut. (or Hutt.) ..... Hutton's English Common Pleas Reports.
Hutch. ..... Hutcheson, Alabama Reports, vols. 81–84.
Hyde ..... Hyde's Reports, Bengal.

I

I ..... Idaho;—Illinois;—Indiana;—Iowa;—Irish (see Ir.).
I. C. C. ..... Interstate Commerce Commission.
I. C. L. R. ..... Irish Common Law Reports.
I. C. R. ..... Irish Chancery Reports;—Irish Circuit Reports.
I. E. R. ..... Irish Equity Reports.
I. J. Cas. ..... Irvine's Justiciary Cases, Scotland.
I. R. ..... Irish Reports.
I. R. C. L. ..... Irish Reports, Common Law Series.
I. R. Eq. ..... Irish Reports, Equity Series.
I. R. R. ..... International Revenue Record, New York City.
I. T. R. ..... Irish Term Reports, by Ridgway, Lapp & Schoales.
Ia. ..... Iowa Reports.
Ida. ..... Idaho.
Idaho ..... Idaho Reports.
Iddings T. R. D. ..... Iddings Dayton Term Reports.
Ill. ..... Illinois.
Ill. App. ..... Illinois Appeal Reports.
Imp. Fed. ..... Imperial Federation (London).
Ind. ..... Indiana;—India;—(East) Indian.
Ind. App. ..... Law Reports, Indian Appeals;—Indiana Appeals.
Ind. App. Supp. ..... Supplemental Indian Appeals, Law Reports.
Ind. Jur. ..... Indian Jurist, Calcutta;—Indian Jurist, Madras.

Ind. L. R. .....(East) Indian Law Reports.
Ind. L. R. Alla. ....Indian Law Reports, Allahabad.
Ind. L. R. Bomb.....Indian Law Reports, Bombay Series.
Ind. L. R. Calc......Indian Law Reports, Calcutta Series.
Ind. L. R. Mad......Indian Law Reports, Madras Series.
Ind. Rep. .....Indiana Reports;—Index Reporter.
Ind. Super. .....Indiana Superior Court Reports (Wilson's).
Ind. T. .....Indian Territory.
Ing. Ves. .....Ingraham's edition of Vesey, Jun.
1, 2, Inst. .....(1, 2) Coke's Inst.
Inst., 1, 2, 3.....Justinian's Inst. lib. 1, tit. 2, sec. 3.
Inst., 1, 2, 31 .....Justinian's Institutes, lib. 1, tit. 2, sec. 31.

The Institutes of Justinian are divided into four books,—each book is divided into titles, and each title into paragraphs, of which the first, described by the letters *pr.*, or *princip.*, is not numbered. The old method of citing the Institutes was to give the commencing words of the paragraph and of the title; *e. g.*, § *si adversus, Inst. de Nuptiis.* Sometimes the number of the paragraph was introduced, *e. g.*, § 12, *si adversus, Inst. de Nuptiis.* The modern way is to give the number of the book, title, and paragraph, thus;—*Inst. I.* 10, 12; would be read, *Inst., Lib. I.* tit. 10, § 12.

Int. Case .....Rowe's Interesting Cases (English and Irish).
Int. Private Law....Westlake's Private International Law.
Iowa .....Iowa Reports.
Ir. .....Irish;—Ireland;—Iredell's N. C. Law or Equity Reports.
Ir. C. L. .....Irish Common Law Reports.
Ir. Ch. .....Irish Chancery Reports.
Ir. Cir. (or Ir. Cir. Rep.) .....Irish Circuit Reports.
Ir. Eccl. .....Irish Ecclesiastical Reports, by Milward.
Ir. Com. Law Rep. ..Irish Common Law Reports.
Ir. Eq. .....Irish Equity Reports.
Ir. L. .....Irish Law Reports.
Ir. L. N. S. .....Irish Common Law Reports.
Ir. L. R. .....Irish Law Reports;—The Law Reports, Ireland, now cited by the year.
Ir. L. T. Rep. .....Irish Law Times Reports.
Ir. Law Rec. .....Irish Law Recorder.
Ir. Law Rep. .....Irish Law Reports.
Ir. Law Rep. N. S....Irish Common Law Reports.
Ir. Law & Ch. .....Irish Common Law and Chancery Reports (New Series).

Ir. Law & Eq. ..... Irish Law and Equity Reports (Old Series).
Ir. R. C. L. ..... Irish Reports, Common Law Series.
Ir. R. 1894 ..... Irish Law Reports for year 1894.
Ir. R. Eq. ..... Irish Reports, Equity Series.
Ir. R. Reg. App. .... Irish Reports, Registration Appeals.
Ir. R. Reg. & L. .... Irish Reports, Registry and Land Cases.
Ir. St. Tr. ..... Irish State Trials (Ridgeway's).
Ir. T. R. .... } .... Irish Term Reports (by Ridgeway, Lapp &
Ir. Term Rep. } .... Schoales).
Ired. ..... Iredell's North Carolina Law Reports.
Ired. Eq. ..... Iredell's North Carolina Equity Reports.
Irv. ..... Irvine's Scotch Justiciary Reports.

J

J ..... Johnson's New York Reports.
J. C. ..... Johnson's Cases, New York Supreme Court.
J. C. P. ..... Justice of the Common Pleas.
J. Ch. (or J. C. R.) .. Johnson's New York Chancery Reports.
J. D'Ol. ..... Les Jugemens d'Oleron.
J. J. Mar. ..... J. J. Marshall's Kentucky Reports.
J. Kel. ..... Sir John Kelyng's English Crown Cases.
J. P. Sm. ..... J. P. Smith's English King's Bench Reports.
J. R. ..... Johnson's New York Reports.
J. S. Gr. ..... J. S. Green's New Jersey Reports.
J. Scott ..... Reporter Eng. Com. Bench Reports.
J. & H. ..... Johnson & Hemming's English Vice-Chancellors' Reports.
J. & La T. ..... Jones & La Touche's Irish Chancery Reports.
J. & L. ..... Jones & La Touche, Ireland.
J. & S. ..... Jones & Spencer's New York Superior Court Reports.
J. & S. Jam. ..... Judah & Swan's Jamaica Reports.
J. & W. ..... Jacob & Walker's English Chancery Reports.
Jac. ..... Jacobus (King James); — Jacob's English Chancery Reports;—Jacob's Law Dictionary.
Jac. & Walk. ..... Jacob & Walker's English Chancery Reports.
Jackson ..... Jackson's Reports (43–66 Georgia);—Texas Court of Appeals, vols. 1–29.
Jackson & Lumpkin. . Jackson & Lumpkin's Georgia Reports.
James (N. Sc.) .... James' Reports, Nova Scotia.
James Sel. Cases .... James' Select Cases, Nova Scotia.
James. & Mont. .... Jameson & Montagu's English Bankruptcy Reports (in 2 Glyn & Jameson).

Jar. Cr. Tr. ..... Jardine's Criminal Trials.
Jebb (or Jebb C. C.). . Jebb Irish Crown Cases.
Jebb Cr. & Pr. Cas. . . Jebb's Crown and Presentment Cases, Irish.
Jebb & B. ..... Jebb & Bourke's Irish Queen's Bench Reports.
Jebb. & S. (Sym.) . . . Jebb & Symes' Irish Queen's Bench Reports.
Jeff. ..... Jefferson's Virginia Reports.
Jeff. Man. ..... Jefferson's Manual of Parliamentary Law.
Jenk. (or Jenk. Cent.) Jenkins' Eight Centuries of Reports, English Exchequer.
Jenks ..... New Hampshire Reports, vol. 58.
Jenn. ..... Jennison's Reports (14-18 Michigan).
Jo. & La T. ..... Jones & La Touche's Irish Chancery Reports.
Jo. T. ..... Sir T. Jones' Reports.
John. (or Johns.) . . . . Johnson's New York Reports;—Johnson's Reports of Chase's Decisions;—Johnson's Reports, Chancery, Maryland;—Johnson's English Vice-Chancellors' Reports.
Johns. Cas. ..... Johnson's New York Cases.
Johns. Ch. ..... Johnson's New York Chancery Reports;—Johnson's English Vice-Chancellors' Reports;—Johnson's Maryland Chancery Decisions;—Johnston's Reports, New Zealand.
Johns. Ct. Err. ..... Johnson's Reports, New York Court of Errors.
Johns. Dec. ..... Johnson's Maryland Chancery Decisions.
Johns. Eng. Ch. .... Johnson's English Chancery.
Johns. H. R. V. ..... Johnson's Reports, English Chancery, 1 vol.
Johns. Rep. ..... Johnson's Reports, New York Supreme Court.
Johns. Tr. ..... Johnson's Impeachment Trial.
Johns. U. S. ..... Johnson's Reports of Chase's U. S. Circuit Court Decisions.
Johns. V. C. ..... Johnson, English Vice-Chancellors' Reports.
Johns. & Hem. ..... Johnson & Hemming's English Chancery Reports.
Johnst. (N. Z.) ..... Johnston's Reports, New Zealand.
Jon. Exch. ..... Jones' Irish Exchequer Reports.
Jon. Ir. Exch. ..... Jones' Reports, Irish Exchequer.
Jon. & Car. ..... Jones & Carey's Irish Exchequer Reports.
Jon. & L. ..... Jones & La Touche's Irish Chancery Reports.
Jones ..... Jones' Reports (43-48, 52-57, 61, 62, Alabama);—Jones' Reports (11, 12 Pennsylvania State);—Jones' Reports (22-31 Missouri);—Jones' Law or Equity Reports, North Carolina;—Jones' Irish Exchequer Reports;—Jones' Upper Canada Common Pleas Reports;—Jones & Spencer New York Superior Court.

Jones 1 ..... Sir William Jones' English King's Bench Reports.
Jones 2 ..... Sir Thomas Jones, English King's Bench Reports.
Jones, Barclay & Whittlesey ..... Jones, Barclay, & Whittlesey's Reports (31 Missouri).
Jones Eq. ..... Jones' North Carolina Equity Reports.
Jones Ir ..... Jones' Irish Exchequer.
Jones Law ..... Jones' Law, North Carolina.
Jones N. C. ..... Jones North Carolina Law Reports.
Jones (Pa.) ..... Jones Pennsylvania State Reports, vols. 11 and 12.
Jones T. ..... Sir Thomas Jones' English King's Bench Reports.
Jones U. C. ..... Jones' Reports, Upper Canada.
Jones W. ..... Sir William Jones' English King's Bench Reports.
Jones & C. ..... Jones & Cary's Irish Exchequer Reports.
Jones & La. T. ..... Jones & La Touche's Irish Chancery Reports ports.
Jones & McM (Pa.) .. Jones & McMurtie's Pennsylvania Supreme Court Reports.
Jones & Spen. ..... Jones & Spencer's New York Superior Court Reports.
Josephs ..... Nevada Reports, vol. 21.
Jud. & Sw. ..... Judah & Swan's Reports, Jamaica.
Judd. ..... Hawaiian Reports, vol. 4.
Just. Dig. ..... Digest of Justinian, 50 books. Never translated into English.
Just. Inst. ..... Justinian's Institutes, see note following "Inst. 1, 2, 31."
Juta ..... Juta's Cape of Good Hope Reports.

K

K. ..... Keyes' New York Court of Appeals Reports; —Kenyon's English King's Bench Reports; —Kansas, (see Kan.).
K. C. R. ..... Reports in the time of Chancellor King.
K. & F. N. S. W. ..... Knox & Fitzhardinge's New South Wales Reports.
K. & G. R. C. ..... Keane & Grant's English Registration Appeal Cases.
K. & J. ..... Kay & Johnson's English Vice Chancellors Reports.
K. & O. ..... Knapp & Ombler's English Election Cases.
Kam. ..... Kames' Decisions of the Scottish Court of Session.

Kam. Rem. Dec. . . . . . Kames' Remarkable Decisions, Scotch Court of Session.
Kam. Sel. Dec. . . . . . Kames' Select Decisions, Scotch Court of Session.
Kan. (or Kans.) . . . . . Kansas;—Kansas Reports.
Kans. App. . . . . . Kansas Appeals Reports.
Kay . . . . . Kay's English Vice-Chancellors' Reports.
Kay & Johns. . . . . . Kay & Johnson, English.
Ke. . . . . . Keen's English Rolls Court Reports.
Keane & Gr. . . . . . Keane & Grant's English Registration Appeal Cases.
Keb. . . . . . Keble's English Bench Reports.
Keen . . . . . Keen's English Rolls Court Reports.
Keil. (or Keilw.) . . . Keilway's English King's Bench Reports.
Kel. 1 . . . . . Sir John Kelyng's English Crown Cases.
Kel. 2 . . . . . William Kelynge's English Chancery Reports.
Kel. Ga. . . . . . Kelly's Georgia Reports (1–3 Georgia).
Kel. J. . . . . . Sir John Kelyng's English Crown Cases.
Kel. W. . . . . . Wm. Kelynge's English Chancery Reports.
Kellen . . . . . Massachusetts Reports, vols. 146–155.
Kelly . . . . . Kelly's Reports (1–3 Georgia).
Kelly & Cobb . . . . . Kelly & Cobb's Reports (4, 5 Georgia).
Kelyng, J. . . . . . Kelyng's English King's Bench Reports.
Kelynge, W. . . . . . Kelynge's Reports, English Chancery.
Ken. . . . . . Kentucky (see Ky.);—Kenyon, English King's Bench Reports.
Ken. Dec. . . . . . Kentucky Decisions, by Sneed.
Ken. L. Rep. . . . . . Kentucky Law Reporter.
Kenan . . . . . Kenan, North Carolina Reports, vols. 76–91.
Kent. Com. . . . . . Kent's Commentaries.
Keny. . . . . . Kenyon's English King's Bench Reports.
Keny. C. H. (or 3 Keny.) . . . . . Chancery Reports at the end of 2 Kenyon.
Kern . . . . . Kern, Indiana, vols. 100–116;—Kernan's Reports (11–14 New York Court of Appeals).
Kerr . . . . . Kerr's New Brunswick Reports;—Kerr's Reports; Kerr, J. M., New York Civil Procedure, vols. 27–29.
Kerr (N. B.) . . . . . Kerr's Reports, New Brunswick.
Kerse . . . . . Kerse's Manuscript Decisions, Scotch Court of Session.
Key. (or Keyes) . . . . . Keyes' New York Court of Appeals Reports.
Keyl. . . . . . Keilwey's (or Keylway's) English King's Bench Reports.
Kilk. . . . . . Kilkerran's Decisions, Scotch Court of Session.
King . . . . . King's Reports (5, 6 Louisiana Annual).
King Cas. *temp.* . . . . . Select Cases *temp.* King, English Chancery.

King's Conf. Ca. ..... King's Conflicting Cases.
Kir. (Kirb.; or Kirby) ..... Kirby's Connecticut Reports.
Kn. (or Kn. A. C.) ... Knapp's Appeal Cases (English Privy Council).
Kn. N. S. W. ..... Knox, New South Wales Reports.
Knapp ..... Knapp's Privy Council Reports, England.
Kn. & Moo. ..... Knapp & Moore's Reports (3 Knapp's Privy Council Reports).
Kn. & O. ..... Knapp & Ombler's English Election Reports.
Knowles ..... Knowles' Reports (3 Rhode Island).
Knox ..... New South Wales Reports.
Knox & Fits ..... Knox & Fitzhardinge, New South Wales.
Kolze ..... Transvaal Reports by Kolze.
Kreider ..... Washington Reports, vols. 1–21.
Kress ..... Pennsylvania Reports, vols. 166–191, also Pennsylvania Superior Court.
Kulp ..... Luzerne Legal Register Reports, Pennsylvania.
Ky. ..... Kentucky;—Kentucky Reports.
Ky. Dec. ..... Sneed's Kentucky Decisions.
Ky. L. R. ..... Kentucky Law Reporter.

L

L. ..... Lansing's Supreme Court Reports, New York.
L. A. ..... Lawyers' Reports Annotated.
L. C. ..... Lord Chancellor; Lower Canada;—Leading Cases.
L. C. B. ..... Lord Chief Baron.
L. C. D. ..... Lower Court Decisions, Ohio.
L. C. Eq. ..... White & Tudor's Leading Cases in Equity.
L. C. G. ..... Lower Courts Gazette, Toronto.
L. C. R. ..... Lower Canada Reports.
L. D. (or Dec.) ..... Land Office Decisions, United States.
L. Ed. ..... Lawyers' Edition Supreme Court Reports.
L. J. App. ..... Law Journal, New Series, Appeals.
L. J. Bk. ..... Law Journal, New Series, Bankruptcy, (1831 onward).
L. J. Bank. ..... Law Journal, New Series, Bankruptcy.
L. J. C. C. R. ..... Law Journal, New Series, Crown Cases Reserved.
L. J. C. P. ..... Law Journal, New Series, Common Pleas.
L. J. Ch. ..... Law Journal, New Series, Chancery Division, (1831 on.).
L. J. Ch. (O. S.) .... Law Journal, Old Series, 1822, 1831.
L. J. C. P. ..... Law Journal, New Series, Common Pleas, (1831 on.).

L. J. C. P. . . . . Law Journal, New Series, Common Pleas Decisions.

L. J. D. & M. . . . . Law Journal, New Series, Divorce and Matrimonial.

L. J. Ecc. . . . . Law Journal Reports, Ecclesiastical (1831 on).

L. J. Ex. . . . . Law Journal, New Series, Exchequer Division (1831 on).

L. J. Exch. . . . . Law Journal, New Series, Exchequer.

L. J. H. L. . . . . Law Journal, New Series, House of Lords.

L. J. K. B. . . . . Law Journal, King's Bench.

L. J. L. C. . . . . Law Journal, Lower Canada.

L. J. L. T. . . . . Law Journal, Law Tracts.

L. J. M. C. . . . . Law Journal, New Series, Magistrates' Cases, (1831 on).

L. J. M. P. & A. . . . . Law Journal, Matrimonial, Probate and Admiralty.

L. J. M. & W. . . . . Morgan & Williams' Law Journal, London.

L. J. Mat. C. . . . . Law Journal, New Series, Divorce and Matrimonial.—Law Journal, Magistrates' Cases.

L. J. N. C. . . . . Law Journal, Notes of Cases.

L. J. N. S. . . . . The Law Journal, New Series, London, (1831 onwards).

L. J. O. S. . . . . The Law Journal, Old Series, London, (1822-1831).

L. J. P. (or P. C.) . . . . Law Journal, New Series, Privy Council; Law Journal, Probate, Divorce and Admiralty.

L. J. P. (D. & A.) . . . Law Journal, New Series, Probate, Divorce and Admiralty.

L. J. P. & M. . . . . Law Journal, New Series, Probate and Matrimonial, (1831 onward).

L. J. Prob. & Mat. . . .

L. J. Q. B. . . . . Law Journal, New Series, Queen's Bench, (1831 on.).

L. J. Q. B. D. . . . . Law Journal, New Series, Queen's Bench Division.

L. J. Rep. . . . . Law Journal Reports.

L. J. Rep. N. S. . . . . Law Journal Reports, New Series, (1831 onward).

L. M. & P. . . . . Lowndes, Maxwell & Pollock's English Bail Court Reports.

L. N. . . . . Liber Niger, or the Black Book.

L. P. R. . . . . Lilly's Practical Register.

L. R. . . . . Law Reports (English);—Law Reporter (Law Times Reports, N. S.);—(Irish) Law Recorder;—Louisiana Reports.

L. R. A. . . . . Lawyers' Reports, Annotated.

L. R. A. & E. . . . . English Law Reports, Admiralty and Ecclesiastical, (1866–1875).

L. R. App. ..... English Law Reports, Appeal Cases, House of Lords.
L. R. Burm. ..... Law Reports, British Burmah.
L. R. C. C. ..... English Law Reports, Crown Cases Reserved, (1866–1875).
L. R. C. P. ..... English Law Reports, Common Pleas, (1866–1875).
L. R. C. P. D. ..... English Law Reports, Common Pleas Division.
L. R. Ch. ..... English Law Reports, Chancery, Appeal Cases, (1866–1875).
L. R. Ch. D. ..... English Law Reports, Chancery Division.
L. R. E. & I. App.... English Reports, English and Irish Appeals.
L. R. Eq. ..... English Law Reports, Equity, (1866–1875).
L. R. Ex. ..... English Law Reports, Exchequer, (1866–1875).
L. R. Ex. Div. ..... English Law Reports, Exchequer Division.
L. R. H. L. ..... English Law Reports, House of Lords, English and Irish Appeal Cases, (1866–1875).
L. R. H. L. Sc. ..... English Law Reports, House of Lords, Scotch and Divorce Appeal Cases, (1866–1875).
L. R. Ind. App..... English Law Reports, Indian Appeals.
L. R. Ir. ..... Law Reports, Ireland, (1879–1893).
L. R. Misc. D. ..... Law Reports, Miscellaneous Division.
L. R. N. S. ..... Irish Law Recorder, New Series.
L. R. N. S. W. ..... Law Reports, New South Wales.
L. R. P. C. ..... English Law Reports, Privy Council, Appeal Cases, (1866–1875).
L. R. P. Div. ..... English Law Reports, Probate, Divorce and Admiralty Division.
L. R. P. & D. ..... English Law Reports, Probate and Divorce.
L. R. P. & M. ..... Law Reports, Probate and Matrimonial, (1866–1875).
L. R. Q. B. ..... English Law Reports, Queen's Bench, (1866–1875).
L. R. Q. B. Div. .... English Law Reports, Queen's Bench Division.
L. R. S. A. ..... Law Reports, South Australia.
L. R. Sc. & D. ..... English Law Reports, Scotch and Divorce Cases, before the House of Lords.
L. R. Sess. Cas. .... English Law Reports, Sessions Cases.
L. R. Stat. ..... English Law Reports, Statutes.
L. T. N. S. (or L. T. R. N. S.) ..... Law Times (New Series) Reports, London, (also American Law Times Reports).
L. T. O. S. ..... Law Times, Old Series.
L. & B. Bull. ..... Law and Bank Bulletin.
L. & C. ..... Leigh & Cave's English Crown Cases Reserved.

L. & C. C. C. ..... Leigh & Cave's Crown Cases.
L. & E. ..... English Law and Equity Reports.
L. & E. Rep. ..... Law and Equity Reporter, New York.
L. & G. t. Plunk. ..... Lloyd & Gould's Irish Chancery Reports *temp.* Plunkett.
L. & G. t. Sug. ..... Lloyd & Gould's Irish Chancery Reports *temp.* Sugden.
L. & M. ..... Lowndes & Maxwell's English Practice Cases.
L. & T. ..... Longfield & Townsend's Irish Exchequer Reports.
L. & W. ..... Lloyd & Welsby's English Mercantile Cases.
La. ..... Louisiana;—Lane's English Exchequer Reports.
La. An. ..... Louisiana Annual Reports;—Lawyers' Reports, Annotated.
La. T. R. ..... Louisiana Term Reports (3–12 Martin, Louisiana).
La Them. L. C. ..... La Themis (Periodical), Lower Canada.
Lab. ..... Labbatt's California District Court Reports.
Lacey Dig. ..... Lacey's Digest Railway Decisions.
Ladd ..... New Hampshire Reporter, vols. 59–64.
Lalor ..... Lalor's Supplement to Hill & Denio's New York Reports.
Lamar ..... Florida Reports, vols. 25–40.
Lamb ..... Wisconsin Reports, vols. 103–105.
Land Com. Rep. ..... Land Commissioners Reports (Ireland).
Lane ..... Lane's English Exchequer Reports.
Lans. ..... Lansing's New York Supreme Court Reports.
Lans. Ch. ..... Lansing's Chancery Decisions, New York.
Latch ..... Latch's English King's Bench Reports.
Lath. ..... Lathrop's Massachusetts Reports, vols. 115–145.
Lauder ..... (Lauder of) Fountainhall's Scotch Sessions Cases.
Laur. H. C. Ca. ..... Lauren's High Court Cases (Kimberly).
Law Rep. A. & E. ..... Law Reports, Admiralty and Ecclesiastical.
Law Rep. App. Cas. ..... Law Reports, Appeal Cases.
Law Rep. C. C. ..... Law Reports, Crown Cases.
Law Rep. C. P. ..... Law Reports, Common Pleas.
Law Rep. C. P. D. ..... Law Reports, Common Pleas Division.
Law Rep. Ch. ..... Law Reports, Chancery Appeal Cases.
Law Rep. Ch. D. ..... Law Reports, Chancery Division.
Law Rep. Eq. ..... Law Reports, Equity Cases.
Law Rep. Ex. ..... Law Reports, Exchequer.
Law Rep. Ex. D. ..... Law Reports, Exchequer Division.
Law Rep. H. L. ..... Law Reports, House of Lords, English and Irish Appeal Cases.

Law Rep. H. L. Sc.	Law Reports, Scotch and Divorce Appeal Cases, House of Lords.
Law Rep. Ind. App.	Law Reports, Indian Appeals.
Law Rep. Ir.	Law Reports, Irish.
Law Rep. Misc. D.	Law Reports, Miscellaneous Division.
Law Rep. P. C.	Law Reports, Privy Council, Appeal Cases.
Law Rep. P. & D.	Law Reports, Probate and Divorce Cases.
Law Rep. Q. B.	Law Reports, Queen's Bench.
Law Rep. Q. B. D.	Law Reports, Queen's Bench Division.
Law Repos.	Carolina Law Repository, North Carolina.
Lawrence.	Lawrence, Ohio Reports, vol. 20.
Lawrence's Comp. Dec.	Lawrence's First Comptroller's Decisions.
Ld. Ken.	Lord Kenyon's English King's Bench Reports.
Ld. Raym.	Lord Raymond's English King's Bench Reports.
Le March.	Le Marchant's Gardner Peerage Case.
Lea	Lea's Tennessee Reports;—Leach.
Leach	Leach's English Crown Cases.
Leach Cl. Cas.	Leach's Club Cases, London.
Lead. Cas. Am.	American Leading Cases, by Hare & Wallace.
Lead. Cas. Eq.	Leading Cases in Equity, by White & Tudor.
Lee	Lee's English Ecclesiastical Reports;—Lee's Reports (9–12 California).
Lee G.	Sir George Lee's English Ecclesiastical Reports.
Leese	Nebraska Reports, vol. 26.
Lef. Dec.	Lefevre's Parliamentary Decisions, reported by Bourke.
Legg.	Leggett's Reports, Sind, India.
Legge	Legge's Supreme Court Cases, New South Wales.
Leigh	Leigh's Virginia Reports.
Leigh & C.	Leigh & Cave's English Crown Cases.
Leo. (or Leon.)	Leonard's English King's Bench Reports.
Lest. P. L.	Lester's Decisions in Public Land Cases.
Lester	Lester's Reports (31–39 Georgia).
Lester Supp. or Lest. & But.	Lester & Butler's Supplement to Lester's Georgia Reports.
Lev.	Levinz's English King's Bench Reports.
Lew.	Lewin's English Crown Cases Reserved;—Lewis (Mo.);—Lewis (Nev.).
Lew. C. C.	Lewin's English Crown Cases.
Lew. C. L.	Lewis' Criminal Law.
Lew. L. Cas.	Lewis' Leading Cases on Public Land Law.

Lewis ..... Lewis' Reports, 1 Penn. (Pa.).
Ley ..... Ley's English King's Bench Reports.
Lib. ..... Liber (book); Library.
Lib. Ass. ..... Liber Assisarum (Year Books, Part V).
Lib. L. & Eq. ..... Library of Law and Equity.
Lib. Reg. ..... Register Books.
Life and Acc. Ins. R. ..... Bigelow's Life and Accident Insurance Reports.
Lil. ..... Lilly's English Assize Reports.
Linn Ind. ..... Linn's Index of Pennsylvania Reports.
Lit. (or Litt.) ..... Littell's Kentucky Reports; Littleton's English Common Pleas Reports.
Lit. (or Litt.) Sel. Ca. ..... Littell's Select Kentucky Cases.
Lit. & Bl. Dig. ..... Littleton & Blatchley's Insurance Digest.
Littell ..... Littell's Kentucky Reports.
Liz. Sc. Exch. ..... Lizar's Exchequer Cases, Scotch.
Ll. & G. t. P. ..... Lloyd & Goold's Irish Chancery Reports *temp.* Plunket.
Ll. & G. t. S. ..... Lloyd & Goold's Irish Chancery Reports *temp.* Sugden.
Ll. & W. (or Lloyd & W.) ..... Lloyd & Welsby's English Mercantile Cases.
Loc. Ct. Gaz. ..... Local Courts and Municipal Gazette, Toronto.
Lock. Rev. Ca. ..... Lockwood's New York Reversed Cases.
Locus Standi ..... Locus Standi Reports, English.
Lofft ..... Lofft's English King's Bench Reports.
Long Quinto ..... Long Quinto (Year Books, Part X).
Longf. & T. (or Long. & Town.) ..... Longfield & Townsend's Irish Exchequer Reports.
Lorenz ..... Lorenz's Ceylon Reports.
Loring & Russell ..... Massachusetts Election Cases.
Lou. (or Louis.) ..... Louisiana (see La.).
Low. (or Low. Dis.) ..... Lowell's United States District Court Reports.
Low. Can. R. ..... Lower Canada Reports.
Low. Can. Seign. ..... Lower Canada Seigniorial Reports.
Lown. M. & P. ..... Lowndes, Maxwell, & Pollock's English Bail Court Reports.
Lown. & M. ..... Lowndes & Maxwell's English Bail Court Reports.
Luc. (or Lucas) ..... Lucas' Reports (Modern Reports, Part X).
Lud. El. Cas. ..... Luder's English Election Cases.
Ludden ..... Ludden's Reports (43, 44 Maine).
Lumley ..... Lumley's Poor Law Cases.
Lumpkin ..... Vols. 59-77, Georgia.

Lush. (or Lush. Adm.) Lushington's English Admiralty Reports.
Lut. (or Lutw. E.) .. Lutwyche's English Common Pleas Reports.
Lut. Elec. Cas. .... Lutwyche's Election Cases, England.
Lut. R. C. ..... Lutwyche's English Registration Appeal Cases.

M

M. ..... Massachusetts; — Maryland; — Maine; — Michigan; — Minnesota; — Mississippi; — Missouri;—Montana.
M. A. ..... Missouri Appeals.
M. C. C. ..... Moody's English Crown Cases, Reserved.
M. D. & D. (or DeG.) Montagu, Deacon & DeGex's English Bankruptcy Reports.
M. G. & S. ..... Manning, Granger, & Scott's English Common Pleas Reports.
M. P. C. ..... Moore's English Privy Council Cases.
M. & A. ..... Montagu & Ayrton's English Bankruptcy Reports.
M. & B. ..... Montagu & Bligh's English Bankruptcy Reports.
M. & C. ..... Mylne & Craig's English Chancery Reports; —Montagu & Chitty's English Bankruptcy Reports.
M. & Chit. Bankr. ... Montagu & Chitty's Bankruptcy Reports, English.
M. & G. ..... Manning & Granger's English Common Pleas Reports;—Maddock & Geldart's English Chancery Reports.
M. & Gel. ..... Maddock & Geldart's English Chancery Reports (6 Maddock).
M. & Gord. ..... Macnaghten & Gordon's English Chancery Reports.
M. & H. ..... Murphy & Hurlstone's English Exchequer Reports.
M. & K. ..... Mylne & Keen's English Chancery Reports.
M. & M. ..... Moody & Malkin's English Nisi Prius Reports.
M. & M'A. ..... Montagu & M'Arthur's English Bankruptcy Reports.
M. & P. ..... Moore & Payne's English Common Pleas Reports.
M. & R. ..... Manning & Ryland's English King's Bench Reports;—Moody & Robinson's English Nisi Prius Reports;—Maclean & Robinson's Scotch Appeal Cases.

M. & R. M. C. ..... Manning & Ryland's English Magistrate Cases.
M. & S. ..... Maule & Selwyn's English King's Bench Reports;—Moore & Scott's English Common Pleas Reports;—Manning & Scott (vol. 9 Common Bench.)
M. & W. ..... Meeson & Welsby's English Exchequer Reports.
M. & Y. ..... Martin & Yerger's Tennessee Reports.
Mac. ..... Macnaghten's English Chancery Reports, vol. 13.
Mac. & G. ..... Macnaghten & Gordon's Chancery Reports.
Mac. N. Z. ..... Macassey's New Zealand Reports.
Mac. Pat. Cas. ..... Macrory's Patent Cases.
Mac. & Rob. ..... Maclean & Robinson's Scotch Appeal Cases.
MacAr. Pat. Cas.... MacArthur's Patent Cases.
MacArth. ..... MacArthur's District of Columbia Reports.
MacAr. & M. ..... MacArthur & Mackey, District of Columbia.
Macas. ..... Macassey's Reports, New Zealand.
Macc. Cas. ..... Maccala's Breach of Promise Cases.
Maccl. ..... Macclesfield's Reports (Modern Reports, Part X).
Maccl. Tr. ..... Macclesfield's Trial (Impeachment), London, 1725.
Macd. Jam. ..... Macdougall's Jamaica Reports.
Macf. (or Macfar.).. Macfarlane's Reports, Jury Courts, Scotland.
Mackey ..... Mackey's Reports, District of Columbia.
Macl. ..... McLean's United States Circuit Court Reports;—Maclaurin's Scotch Criminal Decisions.
Macl. Dec. ..... Maclaurin's Decisions, Scotch Courts.
Macl. & R. ..... Maclean & Robinson's Scotch Appeal Cases.
Macn. ..... Macnaghten's Select Cases in Chancery *temp.* King;—W. H. Macnaghten's Reports, India.
Macn. (Fr.) ..... Sir Francis Macnaghten's Bengal Reports.
Macn. N. A. Beng... Macnaghten's Nizamut Adawlut Reports, Bengal.
Macn. S. D. A. Beng..(W. H.) Macnaghten's Sudder Dewanny Adawlut Reports, Bengal.
Macn. & G. ..... Macnaghten & Gordon's English Chancery Reports.
Macph. ..... Macpherson, Lee & Bell's (Third Series) Scotch Court of Session Cases.
Macq. ..... Macqueen's Scotch Appeal Cases.
Macq. H. L. Cas. .... Macqueen's Scotch Appeal Cases (House of Lords).
Macr. P. Cas. ..... Macrory's Patent Cases.
Macr. & H. ..... Macrae & Hertslet's Insolvency Cases.

Madd. . . . . . Maddock's English Chancery Reports.—Madras; Montana Reports, vols. 9–

M. & S. . . . . . 19.

Mad. H. C. . . . . . Madras High Court Reports.

Mad. S. D. A. . . . . . Madras Sudder Dewanny Adawlut Reports.

Mad. Sel. Dec. . . . . . Madras Select Decrees.

Mad. Ser. . . . . . Madras Series (East India Law Reports).

Mad. & B. . . . . . Maddox & Bach, Montana Reports, vol. 19.

Mad. & Geld. . . . . . Maddock & Geldart's English Chancery Reports (Maddock).

Madd. . . . . . Maddock's Reports, English Chancery; Maddox, vols. 9–19 Montana.

Mag. Cas. . . . . . Magistrates' Cases; especially the series edited by Littleton, Wise, & Parnell.

Mag. Char. . . . . . Magna Carta or Charta (see Barrington;—Revised Statutes of England, 1870, vol. 1, p. 84; Coke's Second Institute, vol. 1, first 78 pages).

Mag. Dig. . . . . . Magrath's South Carolina Digest.

Mag. & M. & P. L. . . . . . Magistrate and Municipal and Parochial Lawyer.

Mag. Rot. . . . . . Magni Rotuli (the Great Roll of the Exchequer).

Magruder . . . . . Magruder's Reports, (1, 2 Maryland).

Maitland . . . . . Maitland's Manuscript Scotch Session Cases.

Malloy . . . . . Malloy's Irish Chancery Reports.

Malone . . . . . Editor, vols. 6, 9 and 10, Heiskell's Tennessee Reports.

Man. . . . . . Manning's Reports (English Court of Revision); Manitoba; Manning's Reports (Michigan); Manuscript; Manson's English Bankruptcy Cases.

Man. Cas. . . . . . Manumission Cases in New Jersey, by Bloomfield.

Man. El. Cas. . . . . . Manning's English Election Cases (Court of Revision).

Man. Gr. & S. . . . . . Manning, Granger, & Scott, English Common Pleas Reports.

Man. L. R. . . . . . Manitoba Law Reports.

Man. & G. . . . . . Manning & Granger's English Common Pleas Reports.

Man. & Ry. . . . . . Manning & Ryland's English King's Bench Reports.

Man. & Ry. Mag. Cas. . . . . . Manning & Ryland's English Magistrates' Cases.

Man. & S. . . . . . Manning & Scott (vol. 9 Common Bench).

Manb. Coke . . . . . Manby's Abridgment of Coke's Reports.

Manitoba . . . . . Manitoba Queen's Bench and County Courts Reports temp. Wood, Manitoba; — Manitoba Law Reports.

Manning, La. . . . . . Unreported Louisiana Reports.

Mans. . . . . . Mansfield (vols. 49-52, Arkansas); — Manson English Bankruptcy Cases.

Manum. Cases . . . . . Manumission Cases, New Jersey (Bloomfield's).

Mar. . . . . . March's English King's Bench Reports; — Marshall's United States Circuit Court Reports; — Marshall's Kentucky Reports; — Martin's Louisiana Reports; — Martin's North Carolina Reports; — Marshall's Bengal; — Maryland.

Mar. Bro. . . . . . March's (Translation of Brooke's New Cases.

Mar. L. C. . . . . . English Maritime Law Cases (Crockford).

Mar. L. Cas. . . . . . English Maritime Law Cases, New Series (Aspinall).

Mart. . . . . . Martin's Louisiana Reports.

Mar. N. C. . . . . . Martin's North Carolina Reports.

Mar. N. S. . . . . . Martin's Louisiana Reports, New Series.

Mar. R. . . . . . English Maritime Law Reports.

Mart. Reg. . . . . . Mitchell's Maritime Register, London.

Marvel. . . . . . March's Translation of Brooke's New Cases, King's Bench.

Marsh. C. . . . . . March's New Cases, English King's Bench.

Marine Ct. R. . . . . . Marine Court Reporter (McAdam's) New York.

Marsh. (Ala.) . . . . . Alabama Reports, vol. 10.

Marr. . . . . . Marriott's English Admiralty Decisions; — Marrack's European Aspasrans Cases.

Marr. Adm. . . . . . Marriott's Reports, English Admiralty.

Mars. . . . . . Marsden's English Admiralty Reports.

Marsh. . . . . . Marshall's United States Circuit Court Decisions; — Marshall's English Common Pleas Reports; — Marshall's Bengal Reports; — Marshall, Kentucky; — Marshall (vol. 4, Utah).

Marsh. (A. K.) . . . . . A. K. Marshall's Kentucky Reports.

Marsh. C. P. . . . . . Marshall's English Common Pleas Reports.

Marsh. Beng. (or **Marsh. Cale.**) . . . . . Marshall's Reports, Bengal.

Marsh. Ceylon . . . . . Marshall's Ceylon Reports.

Marsh. Dec. . . . . . Marshall's United States Circuit Court Decisions (Brockenbrough); (or Marshall on the Federal Constitution).

Marsh. (J. J.) . . . . . J. J. Marshall's Kentucky Reports.

Marsh. Op. ..... Marshall's Constitutional Opinions.
Mart. ..... Martin (see Martin).
Mart. Cond. La. .... Martin's Condensed Louisiana Reports.
Mart. Dec. ..... United States Decisions in Martin's North Carolina Reports.
Mart. (La.) ..... Martin's Louisiana Reports.
Mart. (N. C.) ..... Martin's North Carolina Reports.
Mart. N. S. ..... Martin's Louisiana Reports, New Series.
Mart. U. S. C. C. ... Martin's United States Circuit Court Reports.
Mart. & Yerg. ..... Martin & Yerger's Tennessee Reports.
Marth. W. Ca. ..... Martha Washington Case, see W. S. v. Cole, 5 McLean, 513.
Martin ..... Martin's Louisiana Reports;—Martin's North Carolina Reports;—Martin's Reports (21–30 Georgia);—Martin's Reports (54–70 Indiana).
Martin Index ..... Martin's Index to Virginia Reports.
Marv. ..... Marvel, Delaware, 2 vols.
Mas. ..... Mason's United States Circuit Court Reports.
Mass. ..... Massachusetts.
Mass. Elec. Ca. .... Massachusetts Election Cases.
Mass. L. R. ..... Massachusetts Law Reporter, Boston.
Massey v. Headford .. An Irish Crim. Con. Case, 1804. Originally printed in Ireland and reprinted both in New York and Philadelphia.
Mast. ..... Master's Canada Supreme Court Reports, vols. 25–28.
Mat. ..... Mathews.
Mathews ..... Mathews' Reports (vols. 6–9 West Virginia);—Mathews, vol. 75, Virginia.
Mats. (or Matson) ... Matson's Reports (22–24 Connecticut).
Maul. & Sel. ..... Maule & Selwyn's English King's Bench Reports.
Maur. Dec. ..... Mauritius Decisions.
Max. Dig. ..... Maxwell's Nebraska Digest.
Mayn. ..... Maynard's Reports, Edward II (Year Books, Part I).
McAll. (or McAl.) ... McAllister's United States Circuit Court Reports.
McAr. ..... McArthur's District of Columbia Reports.
McAr. & M. ..... MacArthur & Mackey, District of Columbia.
McArt. ..... McArthur's Patent Cases.
McBride ..... McBride's Reports (1 Missouri).
McCah. ..... McCahon's Kansas Reports and U. S. District of Kansas.
McCar. ..... McCarter's New Jersey Equity Reports;—McCarty (Civ. Procedure) N. Y.

McCl. ..... McClelland's English Exchequer Reports.
McCl. & Y. ..... McClelland & Younge's English Exchequer Reports.
McCook ..... McCook's Reports (1 Ohio State).
McCord ..... McCord's South Carolina Law Reports.
McCord Eq. (or Ch.).. McCord's South Carolina Equity Reports.
McCorkle ..... McCorkle's Reports (65 North Carolina).
McCr. (or McCrary).. McCrary's United States Circuit Court Reports.
McDevitt ..... McDevitt's Land Comr. Reports (Ireland).
McFar. ..... McFarlane's Reports (Scotch Jury Court).
McGill ..... McGill's Manuscript Scotch Session Cases.
McGl. (or McGloin).. McGloin's Louisiana Reports.
McL. (or McLean)... McLean's United States Circuit Court Reports.
McL. & R. ..... McLean & Robinson's Scotch Appeal Cases.
McM. Com. Dec. .... McMaster's Commercial Decisions.
McMul. ..... McMullan's South Carolina Law Reports.
McMul. Eq. ..... McMullan's South Carolina Equity Reports.
McNagh. ..... McNaghten (see Macn.).
McPherson ..... McPherson, Lee, & Bell's (Third Series) Scotch Session Cases.
McQ. ..... MacQueen's Scotch Appeal (House of Lords) Cases.
McWillie ..... Mississippi Reports, vols. 73–76.
Md. ..... Maryland;—Maryland Reports;—Harris & McHenry's Maryland Reports.
Md. Ch. ..... Maryland Chancery Reports.
Me. ..... Maine;—Maine Reports.
Means. ..... Means' Kansas Reports.
Med. L. J. ..... Medico Legal Journal, New York.
Med. L. N. ..... Medico Legal News, New York.
Med. L. P. ..... Medico Legal Papers, New York.
Medd. ..... Meddaugh's Reports (13 Michigan).
Mees. & Ros. ..... Meeson & Roscoe's English Exchequer Reports.
Mees. & Wels. ..... Meeson & Welsby's English Exchequer Reports.
Meg. ..... Megone Company Case.
Meigs ..... Meigs' Tennessee Reports.
Melv. Tr. ..... Melville's Trial (Impeachment), London.
Mem. L. J. ..... Memphis Law Journal, Tennessee.
Menken ..... New York Civil Procedure, vol. 30.
Menz. ..... Menzies' Reports, Cape of Good Hope.
Mer. ..... Merivalis Chancery Reports.
Meriv. ..... Merivale's English Chancery Reports.
Met. (or Mete.) .... Metcalf's Mass. Reports;—Metcalfe's Kentucky Reports;—Metcalf, Rhode Island, vol. 3.

Mete. Ky. ..... Metcalfe's Kentucky Reports.

Mich. ..... Michigan;—Michaelmas.

Mich. C. C. R. ..... Michigan Circuit Court Reporter, Manistee.

Mich. N. P. ..... Michigan Nisi Prius Reports.

Mich. Pol. Soc. ..... Michigan Political Science Association.

Mich. T. ..... Michaelmas Terms.

Mickey. ..... Walter's Actions and Defenses, Vol. 9.

Mitch. Vac. ..... Michaelmas Vacation.

Middx. Sitt. ..... Sittings for Middlesex at Nisi Prius.

Mill ..... Miller, Pennsylvania Reports;—Miller's [illegible]

Miles. ..... Miles' District Court Reports, City and County of Philadelphia, Pa. (or McLean).

Mill ..... Mill's South Carolina Constitutional Reports; Miller's Reports (1–5. Louisiana);—Miller's Reports (3–18 Maryland);—Miller's Decisions, United States.

Mill. Dec. ..... Miller's Decisions (Woolworth's Reports), United States Circuit Court.

Mill. Dec. ..... Miller's Decisions United States Supreme Court.

Mill. La. ..... Miller's Reports (1–5 Louisiana).

Mill. Md. ..... Miller's Reports (3–18 Maryland).

Miller. ..... Miller's Reports (1–5 La.);—Miller's Reports (3–18 Md.).

Milw. ..... Milward's Irish Ecclesiastical Reports.

Min. ..... Minor;—Minor's Alabama Reports.

Min. Inst. ..... Minor's Institutes Statute Law.

Minn. ..... Minnesota Reports.

Minor ..... Minor's Reports, Alabama;—Minor's Institutes.

Miscel. ..... Miscellaneous Reports, New York.

Miss. ..... Mississippi;—Mississippi Reports;—Missouri.

Miss. Dec. ..... Mississippi Decisions, Jackson.

Miss. St. Ca. ..... Mississippi State Cases.

Mister. ..... Missouri Appeal Reports, vols. 17–32.

Mitch. M. R. ..... Mitchell's Maritime Register, London.

M'Mul. ..... McMullan, South Carolina.

Mo. ..... Missouri;—Missouri Reports; Moore's English King's Bench Reports;—Moore's English Common Pleas Reports;—Moore's English Privy Council Reports;—Modern Reports, English;—English King's Bench, etc., (see Mod.);—Monthly;—Moore's India App. Ca.

Mo. App. ..... Missouri Appeal Reports.

Mo. App. Rep. ..... Missouri Appellate Reporter.

Mo. . . . . . Moore's English King's Bench Reports.

Mo. . . . . . Moore's Indian Appeals.

Mo. (J. B.) . . . . . J. B. Moore's English Common Pleas Reports.

Mo. P. C. . . . . . Moore's English Privy Council Reports.

Moo. & P. . . . . . Moore & Payne's English Common Pleas Reports.

Moo. & R. . . . . . Moody & Robinson's English Nisi Prius Reports.

Moo. & S. . . . . . Moore & Scott's English Common Pleas Reports.

Moo. Eng. Rep. . . . . . Moak's English Reports.

Moo. . . . . . Mobley's Election Cases.

Mod. . . . . . Modern Reports, English King's Bench, etc.: Modified.

Mod. Cas. . . . . . Modern Cases (6th Modern Reports).

Mod. Cas. Eq. . . . . . Modern Cases at Law and Equity (8 and 9 Modern Reports).

Mod. Cas. temp. Holt (or t. Holt) . . . . . Modern Cases temp. Holt, by Farresley (7 Modern Reports).

Mod. Rep. . . . . . The Modern Reports, English King's Bench, etc.,—Modern Reports by Style (Style's King's Bench Reports).

Moll. (T. Moll.) . . . . . Molloy's Irish Chancery Reports.

Moly. . . . . . Molyneau's Reports, English Courts.

Mont. . . . . . Montana.—T. B. Monroe's Kentucky Reports; —B. Monroe's Kentucky Reports.

Mon. (B.) . . . . . B. Monroe's Kentucky Reports.

Mon. (T. B.) . . . . . T. B. Monroe's Kentucky Reports.

Monaghan . . . . . Pennsylvania Reports, vols. 147–185.

Monr. . . . . . Monroe (see Mon).

Mont. . . . . . Montana.—Montana Reports.—Montagu's English Bankruptcy Reports.—Montagu's Bengal Reports.

Mont. Bank. Rep. . . . . . Montagu's Bankruptcy Reports.

Mont. Co. L. R. . . . . . Montgomery County Law Reporter, Pennsylvania.

Mont. Cond. Rep. . . . . . Montreal Condensed Reports.

Mont. D. & De G. . . . . . Montagu, Deacon & De Gex's English Bankruptcy Reports.

Mont. Ind. . . . . . Monthly Index to Reporters (Natl. Reporter System).

Mont. L. R. . . . . . Montreal Law Reporter; Montreal Law Reports.

Mont. L. R. Q. B. . . . . Montreal Law Reporter, Queen's Bench.

Mont. L. R. S. C. . . . . Montreal Law Reporter, Superior Court.

Mont. & Ayr. . . . . . Montagu & Ayrton's English Bankruptcy Reports.

Mont. & Bl. ..... Montagu & Bligh's English Bankruptcy Reports.
Mont. & C. ..... Montagu & Chitty's English Bankruptcy Reports.
Mont. & MacA. .... Montagu's & MacArthur's English Bankruptcy Reports.
Montr. ..... Montriou's Reports. Bengal; — Montriou's Supplement to Morton's Reports.
Moo. ..... Francis Moore's English King's Bench Reports;—J. M. Moore's English Common Pleas Reports;—Moody's English Crown Cases.
Moo. A. ..... Moore's Reports (1 Bosanquet & Puller, after page 470).
Moo. C. C. ..... Moody's English Crown Cases Reserved.
Moo. Cr. C. ..... Moody's Crown Cases, English Courts.
Moo. C. P. ..... Moore's English Common Pleas Reports.
Moo. Ind. App. ..... Moore's Reports, Privy Council, Indian Appeals.
Moo. J. B. ..... Moore's English Common Pleas.
Moo. K. B. ..... Moore's English King's Bench.
Moo. P. C. ..... Moore's Privy Council Cases, Old and New Series.
Moo. Tr. ..... Moore's Divorce Trials.
Moo. & Mal. ..... Moody & Malkin's English Nisi Prius Reports.
Moo. & Pay. ..... Moore & Payne's English Common Pleas Reports.
Moo. & Rob. ..... Moody & Robinson's English Nisi Prius Reports.
Moo. & Sc. ..... Moore & Scott's English Common Pleas Reports.
Mood. (or Moody) .. Moody's English Crown Cases Reserved.
Mood. & Malk. ..... Moodys & Malkin's English Nisi Prius Reports.
Mood. & Rob. ..... Moody & Robinson, English.
Moon ..... Indiana Reports, vols. 133–144; also Indiana Appellate Court, vols. 6–14.
Moore ..... Moore's English King's Bench Reports;—Moore's English Common Pleas Reports;—Moore's English Privy Council Reports;—Moore's Reports (28–34 Arkansas).—Moore, vol. 67, Alabama; Moore's Reports 22–24 Texas).
Moore (A.) ..... Moore's Reports in 1 Bosanquet & Puller, after page 470.
Moore C. P. ..... Moore's English Common Pleas.
Moore E. I. ..... Moore's East Indian Appeals.

Moore G. C. ..... Moore's Gorham Case (English Privy Council).
Moore J. B. ..... Moore, English King's Bench.
Moore K. B. ..... Sir F. Moore's English King's Bench Reports.
Moore P. C. ..... Moore's Privy Council Reports.
Moore P. C. N. S. ... Moore's Privy Council Reports, England, New Series.
Moore & P. ..... Moore & Payne's English Common Pleas Reports.
Moore & S. ..... Moore & Scott's English Common Pleas Reports.
Moore & Walker. ... Moore & Walker's Reports (22–24 Texas).
Mor. ..... Morison's Dictionary of Decisions in the Court of Session, Scotland;—Morris (see Morr.).
Mor. Ia. ..... Morris' Iowa Reports.
Mor. Min. Rep. .... Morrison's Mining Reports.
Mor. St. Cas. ..... Morris' Mississippi State Cases.
Mor. Supp. ..... Supplement to Morison's Dictionary, Scotch Court of Session.
Mor. Syn. ..... Morison's Synopsis, Scotch Session Cases.
Mor. Tran. ..... Morrison's Transcript of United States Supreme Court Decisions.
Morg. & W. L. J. .... Morgan & Williams' Law Journal, London.
Morl. Dig. ..... Morley's East Indian Digest.
Morr. ..... Morris' Reports, Iowa;—see also "Morris," and "Mor.";—Morrow, vols. 23–36, Oregon Reports;—Morrell, English Bankruptcy Reports.
Morr. Jah. ..... Morris' Jamaica Reports.
Morr. M. R. ..... Morrison's Mining Reports, Chicago.
Morr. St. Cas. ..... Morris' State Cases, Mississippi.
Morr. Supp. ..... Supplement to Morison's Dictionary, Scotch Court of Session.
Morr. Trans. ..... Morrison's Transcript, United States Supreme Court.
Morris ..... Morris' Iowa Reports;—Morris' Reports (5 California);—Morris' Reports (43–48 Mississippi;—Morris' Jamaica Reports;—Morris' Bombay Reports;—Morrissett, vols. 80 and 98, Alabama.
Morris & Har. ..... Morris & Harrington's S. D. A. Reports, Bombay.
Morr. Dic. ..... Morison's Dictionary, Scotch Decisions and Supplement.
Morr. Trans. ..... Morrison's Transcript U. S. Decisions.
Morse Tr. ..... Morse Famous Trials.

Morton . . . . . Morton's Reports, Bengal.
Mos. . . . . . Moseley's English Chancery Reports.
Moult. Ch. P. . . . . . Moulton's Chancery Practice, New York.
Mu. Corp. Ca. . . . . . Withrow's Corporation Cases, vol. 2.
Mum. Jam. . . . . . Mumford's Jamaica Reports.
Mumf. . . . . . Mumford's Jamaica Reports.
Mun. . . . . . Munford's Virginia Reports.
Munf. . . . . . Munford's Virginia Reports.
Mur. . . . . . Murphy's North Carolina Reports;—Murray's Jury Court Reports (Scotland);—Murray's Ceylon Reports;—Murray's New South Wales Reports.
Mur. U. S. Ct. . . . . . Murray's Proceedings in the United States Courts.
Mur. & Hurl. . . . . . Murphy & Hurlstone's English Exchequer Reports.
Murph. . . . . . Murphy's North Carolina Reports.
Murr. . . . . . Murray's Scotch Jury Trials; Murray's Ceylon Reports;—Murray's New South Wales Reports.
Murray . . . . . Murray's Scotch Jury Court Reports.
Murray (Ceylon) . . . . . Murray's Ceylon Reports.
Mutukisna. . . . . . Mutukisna's Ceylon Reports.
Myers Dig. . . . . . Myer's Texas Digest.
Myers Fed. Dec. . . . . . Myer's Federal Decisions.
Myl. & Cr. . . . . . Mylne & Craig's English Chancery Reports.
Myl. & K. . . . . . Mylne & Keen's English Chancery Reports.
Myr. . . . . . Myrick's California Probate Court Reports.

N

N. . . . . . Nebraska;—Nevada.
N. B. . . . . . New Brunswick.
N. B. R. . . . . . National Bankruptcy Register, New York;—New Brunswick Reports.
N. B. Rep. . . . . . New Brunswick Reports.
N. Benl. . . . . . New Benloe, English King's Bench Reports.
N. B. Eq. Ca. . . . . . New Brunswick Equity Cases.
N. B. Eq. Rep. . . . . . New Brunswick Equity Reports.
N. B. N. R. . . . . . National Bankruptcy News and Reports.
N. C. . . . . . North Carolina Reports;—Notes of Cases (English Ecclesiastical and Maritime);—New Cases (Bingham's New Cases).
N. C. C. . . . . . New Chancery Cases (Younge & Collyer).
N. C. Conf. . . . . . North Carolina Conference Reports.
N. C. Eccl. . . . . . Notes of Cases in the Ecclesiastical and Maritime Courts.
N. C. L. Rep. . . . . . North Carolina Law Repository.

N. C. Str. ..... Notes of Cases, by Strange, Madras.
N. C. T. Rep. ..... North Carolina Term Reports.
N. Car. ..... North Carolina.
N. Chip. ..... N. Chipman's Vermont Reports.
N. D. ..... North Dakota.
N. E. ..... New England;—New edition;—Northeastern Reporter.
N. B. V. Ad. ..... New Brunswick Vice Admiralty Reports.
N. E. R. ..... Northeastern Reporter; New England Reporter.
N. F. ..... Newfoundland;—Newfoundland Reports.
N. H. ..... New Hampshire;—New Hampshire Reports.
N. H. R. ..... New Hampshire Reports.
N. H. & C. ..... English Railway and Canal Cases, by Nichol, Hare, Carrow, etc.
N. J. ..... New Jersey;—New Jersey Reports.
N. J. Eq. (or Ch.) ... New Jersey Equity Reports.
N. J. Law ..... New Jersey Law Reports.
N. J. L. J. ..... New Jersey Law Journal.
N. L. ..... Nelson's Lutwyche, English Common Pleas Reports.
N. L. L. ..... New Library of Law and Equity, English.
N. M. ..... New Mexico;—New Mexico Reports.
N. M. St. Bar Assn. .. New Mexico State Bar Association.
N. Mag. Ca. ..... New Magistrates' Cases.
N. of Cas. ..... Notes of Cases, English Ecclesiastical and Maritime Courts;—Notes of Cases at Madras (by Strange).
N. of Cas. Madras. .. Notes of Cases at Madras (by Strange).
N. P. ..... Nisi Prius.
N. P. C. ..... Nisi Prius Cases.
N. P. R. ..... Nisi Prius Reports.
N. R. ..... New Reports (English, 1862-1865);—Bosanquet & Puller's New Reports;—Not Reported.
N. R. B. P. ..... New Reports of Bosanquet & Puller.
N. S. ..... New Series;—Nova Scotia.
N. S. Dec. ..... Nova Scotia Decisions.
N. S. L. R. ..... Nova Scotia Law Reports.
N. S. R. ..... Nova Scotia Reports.
N. S. W. ..... New South Wales Reports. Old and New Series.
N. S. W. L. R. ..... New South Wales Law Reports.
N. S. W. Eq. Rep. .... New South Wales Equity Reports
N. Sc. Dec. ..... Nova Scotia Decisions.
N. W. R. ..... Northwestern Reporter.
N. W. Rep. ..... Northwestern Reporter.
N. W. T. (or N. W. T. Rep.) ..... North West Territories Reports (Canada).

N. Y. ..... New York;—New York Court of Appeals Reports.
N. Y. Ann. Ca. ..... New York Annotated Cases.
N. Y. App. Dec. ..... New York Court of Appeals Decisions.
N. Y. Cas. Err. ..... New York Cases in Error (Caines' Cases).
N. Y. Civ. Pr. Rep. .. New York Civil Procedure Reports.
N. Y. Code Report. . New York Code Reporter.
N. Y. Code Report N. S. ..... New York Code Reports, New Series.
N. Y. Cond. ..... New York Condensed Reports.
N. Y. Cr. Rep. ..... New York Criminal Reports.
N. Y. Ct. App. ..... New York Court of Appeals.
N. Y. El. Cas. ..... New York Contested Election Cases.
N. Y. Mo. L. R. ..... New York Monthly Law Reports.
N. Y. Op. Att.-Gen. .. Sickel's Opinions of the Attorney-General of New York.
N. Y. P. R. ..... New York Practice Reports.
N. Y. Reg. ..... New York Daily Register.
N. Y. Rep. ..... New York Court of Appeals Reports.
N. Y. S. ..... New York Supplement;—New York State;—New York State Reporter.
N. Y. Reptr. ..... New York Reporter (Gardenier's).
N. Y. Spec. Term R. .. Howard's Practice Reports.
N. Y. Super. Ct. .... New York Superior Court Reports.
N. Y. Supp. ..... New York Supplement.
N. Y. Supr. ..... New York Supreme Court Reports.
N. Y. T. R. ..... New York Term Reports (Caines' Reports).
N. Y. Them. ..... New York Themis.
N. Z. ..... New Zealand.
N. Z. Jur. ..... New Zealand Jurist.
N. Z. Jur. N. S. .... New Zealand Jurist, New Series.
N. Z. Rep. ..... New Zealand Reports, Court of Appeals.
N. & H. or Hop. .... Nott & Huntington's Reports, U. S. Court of Claims Reports.
N. & M. ..... Neville & Manning's English King's Bench Reports.
N. & M. Mag. ..... Neville & Manning's English Magistrates' Cases.
N. & Mc. ..... Nott & McCord's South Carolina Reports.
N. & P. ..... Neville & Perry's English King's Bench Reports.
N. & P. Mag. ..... Neville & Perry's English Magistrates' Cases.
Nal. St. P. ..... Nalton's Collection of State Papers.
Nap. ..... Napier.
Napton ..... Napton's Reports (4 Missouri).
Narr. Mod. ..... Narrationes Modernæ, or Style's King's Bench Reports.
Nat. B. C. ..... National Bank Cases.

Nat. B. R. ..... National Bankruptcy Register.
Nat. Bank Reg. .... National Bankruptcy Register Reports.
Nat. Corp. Rep. .... National Corporation Reporter, Chicago.
Nat. L. Rec. ..... National Law Record.
Nat. L. Rep. ..... National Law Reporter.
Nat. L. Rev. ..... National Law Review (Philadelphia).
Nat. Reg. ..... National Register, edited by Mead, 1816.
Nat. Rept. Syst. .... National Reporter System.
Nat. Rev. ..... National Review (London).
Nd. ..... Newfoundland Reports.
Neb. ..... Nebraska.
Neg. Cas. ..... Bloomfield's Manumission (or Negro Cases) New Jersey.
Nel. ..... Nelson's English Chancery Reports.
Nell ..... Nell's Ceylon Reports.
Nels. ..... Nelson's Chancery Reports, England.
Nels. Abr. ..... Nelson's Abridgment of the Common Law.
Nels. Fol. Rep. .... Finch's Chancery Reports, edited by Nelson.
Nev. ..... Nevada;—Nevada Reports.
Nev. & Mac. ..... Neville & Macnamara's English Railway and Canal Cases.
Nev. & Man. ..... Nevile & Manning's English King's Bench Reports.
Nev. & Man. Mag. Cas. ..... Nevile & Manning's English Magistrate's Cases.
Nev. & McN. ..... Neville & McNamara's Railway and Canal Cases.
Nev. & P. ..... Nevile & Perry's English King's Bench Reports.
Nev. & P. Mag. Cas. .. Nevile & Perry's English Magistrates' Cases.
New. ..... Newell, Illinois Appeal Reports.
New Ann. Reg. .... New Annual Register, London.
New Benl. ..... New Benloe's Reports, English King's Bench.
New Br. ..... New Brunswick Reports.
New B. & Eq. Ca. .. New Brunswick Equity Cases, 1 vol.
New B. & Eq. Rep. .. New Brunswick Equity Reports, 1 vol.
New Cas. ..... New Cases (Bingham's New Cases).
New Cas. Eq. ..... New Cases in Equity (8, 9 Modern Reports).
New Eng. Hist. .... New England Historical and Genealogical Register.
New Mag. Cas. .... New Magistrates' Cases (Bittleston, Wise & Parnell).
New Pr. Cases. ..... New Practice Cases (English).
New Rep. ..... New Reports in all the Courts, London—Bosanquet & Puller's New Reports (4, 5 Bos. & Pul.).
New Sess. Cas. ..... Carrow, Hammerton & Allen's New Session Cases (English).

New So. W. ..... New South Wales.
New Term Rep. .... New Term Reports;—Dowling & Ryland's King's Bench Reports.
New York Supp. ... New York Supplement.
Newb. ..... Newberry's United States Admiralty Reports.
Newbyth. ..... Newbyth's Manuscript Decisions, Scotch Session Cases.
Newell. ..... Illinois Appeal Reports, vols. 48–90.
Newf. Sel. Cas. ..... Newfoundland Select Cases.
Nich. H. & C. ..... Nicholl, Hare & Carrow's English Railway and Canal Cases.
Nicholl ..... English Railway and Canal Cases, by Nicholl, etc.
Nicholson ..... Nicholson's Manuscript Decisions, Scotch Session Cases.
Nient cul. ..... Nient culpable—not guilty.
Nil. Reg. ..... Niles' Weekly Register.
Nisbet. ..... (Nisbet of) Dirleton's Scotch Session Cases.
No. Co. Ecc. & Mar. .. Notes of Cases (English), Ecclesiastical and Maritime.
Nol. (Mag. or Just. or Sett. Cas.) ..... Nolan's English Magistrates' Cases.
Non cul. ..... Non culpabilis—not guilty.
Norc. ..... Norcross, Nevada Reports, vols. 23–24.
Norr. ..... Norris, Pennsylvania Reports, vols. 82–96.
North. ..... Reports *temp.* Northington (Eden's English Chancery Reports).
North & G. ..... North & Guthrie, Missouri Appeals, vols. 68–80.
Northam. ..... Northampton Law Reporter, Pennsylvania.
Northum. ..... Northumberland County Legal News, Pennsylvania.
Northw. Pr. ..... Northwest Provinces, India.
Northw. Rep. ..... Northwestern Reporter.
Not. Cas. ..... Notes of Cases in the English Ecclesiastical and Maritime Courts;—Notes of Cases at Madras (Strange).
Not. Cas. Madras. ... Notes of Cases at Madras.
Not. Dec. ..... Notes of Decisions (Martin's North Carolina Reports).
Not. J. ..... Notaries Journal.
Not. Op. ..... Wilmot's Notes of Opinions and Judgments.
Notes of Ca. ..... Notes of Cases, English.
Notes on U. S. ..... Notes on U. S. Reports.
Nott & Hop. ..... Nott & Hopkins' Reports, United States Court of Claims Reports.
Nott & Hunt. ..... Nott & Huntington's Reports (1–7 U. S. Court of Claims).

Nott & McC. ..... Nott & McCord's South Carolina Reports.
Nov. Sc. ..... Nova Scotia.
Nov. Sc. Dec. ..... Nova Scotia Decisions.
Nov. Sc. L. R. ..... Nova Scotia Law Reports.
Noy ..... Noy's English King's Bench Reports.
Nye ..... Nye, Utah Reports, vols. 18–20.

O

O. ..... Ohio Reports;—Oregon Reports;—Otto's United States Supreme Court Reports.
O. B. ..... Old Bailey;—Old Benloe;—Orlando Bridgman.
O. B. S. ..... Old Bailey's Sessions Papers.
O. Ben. ..... Old Benloe's Reports, English Common Pleas.
O. Bridge. ..... Orlando Bridgman's Reports, English Common Pleas;—Carter's Reports, *temp.* Bridgman's English Common Pleas.
O. B. & F. N. Z. .... Olivier, Bell & Fitzgerald's New Zealand Reports.
O. C. ..... Orphans' Court.
O. C. C. ..... Ohio Circuit Court Reports.
O. C. C. N. S. ..... Ohio Circuit Court Reports. New Series.
O. C. D. ..... Ohio Circuit Decisions.
O. D. ..... Ohio Decisions.
O. D. C. C. ..... Ohio Decisions, Circuit Court.
O. J. Act. ..... Ontario Judicature Act.
O. R. ..... Ontario Reports.
O. S. ..... Ohio State Reports;—Old Series.
O. S. ..... Old Series K. & Q. Bench Reports, Ontario, (Upper Canada).
O. S. C. D. or O. S. U. ... Ohio Supreme Court Decisions, Unreported Cases.
O. S. & C. P. Dec. .... Ohio Superior and Common Pleas Decisions.
O. St. ..... Ohio State Reports.
O'Keefe Ord. ..... O'Keefe's Orders in Chancery, Ireland.
O'Mal. & H. ..... O'Malley & Hardcastle's English Election Cases.
O. & T. ..... Oyer and Terminer.
O'Brien ..... O'Brien's Upper Canada Reports.
Oct. Str. ..... Octavo Strange Select Cases on Evidence.
Odeneal. ..... Oregon Reports, vols. 9–11.
Off. Gaz. Pat. Off. .. Official Gazette, United States Patent Office.
Officer ..... Officer's Reports (1–9 Minnesota).
Ogden ..... Ogden's Reports (12–15 Louisiana).
Ohio St. ..... Ohio State Reports.
Ohio Sup. & C. P. Dec. Ohio Superior and Common Pleas Decisions.

Okla. ..... Oklahoma.
Ole. (or Ole. Adm.) .. Olcott's U. S. District Court, Admiralty.
Old Ben. ..... Benloe in Benloe & Dalison, Eng. C. P. Reports.
Oldr. ..... Oldright's Reports, Nova Scotia.
Oliv. B. & L. ..... English Railway and Canal Cases, vols. 5–7, by Oliver, Beaven, & Lefroy.
Oll. B. & F. ..... Ollivier, Bell, & Fitzgerald New Zealand.
O'Mal. & H. ..... O'Malley & Hardcastle's Election Cases.
Onsl. N. P. ..... Onslow's Nisi Prius.
Ont. (or O.) ..... Ontario;—Ontario Reports.
Ont. App. R. ..... Ontario Appeal Reports.
Ont. El. Ca. ..... Ontario Election Cases.
Ont. P. R. (or Ont. Pr. Rep.) ..... Ontario Practice Reports.
Op. Att. Gen. ..... Opinions of the Attorneys General of the United States.
Op. N. Y. Atty. Gen... Sickel's Opinons of Attorneys-General of New York.
Or. ..... Oregon;—Oregon Reports.
Or. T. Rep. ..... Orleans Term Reports (1, 2 Martin's Louisiana).
Oreg. ..... Oregon;—Oregon Reports.
Orl. Bridgman ..... Orlando Bridgman's English Common Pleas Reports.
Orl. T. R. ..... Orleans Term Reports (1, 2 Martin's Louisiana Reports).
Ormond ..... Ormond's Reports (12–15 Alabama).
Ot. ..... Otto's United States Supreme Court Reports.
Out. ..... Outerbridge's Reports (97–110 Pennsylvania State).
Over. (or Overton) .. Overton's Tennessee Reports.
Ow. ..... Owen's English K. B. Reports;—New South Wales Reports.
Owen. ..... Owen's English King's Bench Reports.
Oxley ..... Young's Vice-Admiralty Decisions, Nova Scotia, edited by Oxley.

P

P. ..... Easter (Paschal) Term;—Pennsylvania;—Peters;—Pickering's Massachusetts Reports; Probate;—Pacific Reporter.
P. A. D. ..... Peters' Admiralty Decisions.
P. C. ..... Pleas of the Crown;—Parliamentary Cases;—Practice Cases;—Prize Cases;—Patent Cases;—Privy Council;—Prize Court;—Probate Court;—Precedents in Chancery.

P. C. App. ..... Privy Council Appeals.
P. C. C. ..... Privy Council Cases;—Peters' Circuit Court Reports.
P. Cl. R. ..... Parker's Criminal Reports, New York; Privy Council Reports.
P. D. ..... Probate Division, English Law Reports (1876–1890).
P. E. I. (or P. E. I. Rep.) ..... Prince Edward Island Reports (Haviland's).
P. F. S. ..... P. F. Smith's Reports (51–81½ Pennsylvania State).
P. Jr. & H. (or P. & H.) ..... Patton, Jr., & Heath's Virginia Reports.
P. N. P. ..... Peake's English Nisi Prius Cases.
P. O. Cas. ..... Perry's Oriental Cases, Bombay.
P. O. G. ..... Patent Office Gazette.
P. O. R. ..... Patent Office Reports.
P. P. ..... Parliamentary Papers.
P. R. ..... Parliamentary Reports;—Pennsylvania Reports, by Penrose & Watts;—Pacific Reporter;—Probate Reports.
P. R. C. P. ..... Practical Register in Common Pleas.
P. R. Ch. ..... Practical Register in Chancery.
P. R. U. C. ..... Practical Reports, Upper Canada.
P. R. & D. ..... Power, Rodwell, & Dew's English Election Cases.
P. S. C. U. S. ..... Peters' Supreme Court, United States.
P. S. R. ..... Pennsylvania State Reports.
P. W. (or P. Wms.) .. Peere Williams' English Chancery Reports.
P. & B. ..... Pugsley & Burbridge Reports, New Brunswick.
P. & C. ..... Prideaux & Cole's Reports, English Courts (New Session Cases, vol. 4).
P. & D. ..... Perry & Davidson's English Queen's Bench Reports;—Probate and Divorce.
P. & H. ..... Patton, Jr., & Heath's Virginia Reports.
P. & K. ..... Perry & Knapp's English Election Cases.
P. & M. ..... Philip & Mary;—Pollock and Maitland's History of English Law.
P. & R. ..... Pigott & Rodwell's Election Cases, English.
P. & W. ..... Penrose & Watts' Pennsylvania Reports.
Pa. ..... Pennsylvania;—Pennsylvania Reports, by Penrose & Watts;—Pennsylvania State Reports;—Paine, U. S.
Pa. Co. Ct. ..... Pennsylvania County Court Reports.
Pa. Dist. ..... Pennsylvania District Court Reports.
Pa. Law Ser. ..... Pennsylvania Law Series.
Pa. L. J. ..... Pennsylvania Law Journal Reports (Clark's); —Pennsylvania Law Journal, Philadelphia.

Pa. L. Rec. ..... Pennsylvania Law Record, Philadelphia.
Pa. N. P. ..... Brightly's Nisi Prius Reports, Pennsylvania.
Pa. Rep. ..... Pennsylvania Reports.
Pa. St. ..... Pennsylvania State Reports.
Pa. St. Tr. ..... Pennsylvania State Trials (Hogan's).
Pa. Super. Ct. ..... Pennsylvania Superior Court.
Pac. R. ..... Pacific Reporter.
Pai. ..... Paine's United States Circuit Court Reports; —Paige's New York Chancery Reports.
Pai. Ch. ..... Paige's New York Chancery Reports.
Paige ..... Paige's New York Chancery Reports.
Paine (or Paine C. C.) ..... Paine's United States Circuit Court Reports.
Palm. ..... Palmer's English King's Bench Reports;—Palmer, Vermont Reports, vols. 53–60.
Papy. ..... Papy's Rep. (5, 6 Florida).
Par. ..... Parker's English Exchequer Reports;—Parsons, New Hampshire Reports, vols. 65–66; —Parker's New York Criminal Reports.
Par. Dec. ..... Parsons' Decisions, Massachusetts.
Par. Eq. Cas. ..... Parsons' Select Equity Cases, Pennsylvania.
Park. ..... Parker's New York Criminal Reports;—Parker's English Exchequer Reports.
Park. Dig. ..... Parker's California Digest.
Pand. ..... Pandects.
Park. Cr. Cas. ..... Parker's New York Criminal Cases.
Park. Exch. ..... Parker's English Exchequer Reports.
Park. Rev. Cas. ..... Parker's English Exchequer Reports (Revenue Cases).
Parker ..... Parker's English Exchequer Reports;—Parker's New York Criminal Reports;—Parker's N. H. Reports.
Parl. Cas. ..... Parliamentary Cases (House of Lords Reports).
Parl. Reg. ..... Parliamentary Register.
Pars. ..... Parsons (see Par.).
Pars. Ans. ..... Parsons' Answer to the Fifth Part of Coke's Reports.
Pars. Eq. Cas. ..... Parsons' Select Equity Cases, Pennsylvania.
Pas. ..... (Terminus Paschae) Easter Term.
Paschal ..... Paschal's Reports (28–31 Texas) and Supp. to vol. 25.
Pat. ..... Patent;—Paton's Scotch Appeal Cases;—Paterson's Scotch Appeal Cases;—Paterson's Reports, New South Wales.
Pat. App. Cas. ..... Paton's Scotch Appeal Cases (Craigie, Stewart & Paton);—Paterson's Scotch Appeal Cases.

Pat. Dec. ..... Patent Decisions.
Pat. & H. ..... Patton, Jr., & Heath's Reports, Virginia.
Pat. & Mur. ..... Paterson & Murray's Reports, New South Wales.
Pater. ..... Paterson's Scotch Appeal Cases;—Paterson's New South Wales Reports.
Paton. ..... Craigie, Stewart, & Paton's Scotch Appeal Cases.
Patr. Elect. Cas. ... Patrick's Election Cases, Upper Canada.
Patt. & H. ..... Patton & Heath's Virginia Reports.
Pea. ..... Peake's English Nisi Prius Reports.
Peake Add. Cas. ..... Peake's Additional Cases (vol. 2 of Peake).
Peake N. P. ..... Peake's English Nisi Prius Cases.
Pears. ..... Pearson's Reports, Pennsylvania.
Pearce C. C. ..... Pearce's Reports in Dearsly's Crown Cases, English.
Peck ..... Peck's Tennessee Reports;—Peck's Reports (11–30 Illinois);—Peckwell's English Election Reports.
Peck (Tenn.) ..... Peck's Reports, Tennessee.
Peck. El. Cas. ..... Peckwell's Election Cases, English.
Peck Tr. ..... Peck's Trial (Impeachment).
Peckw. ..... Peckwell's English Election Cases.
Peeples ..... Georgia Reports, vols. 77–97.
Peeples & Stevens .. Georgia Reports, vols. 80–97.
Peere Wms. ..... Peere William's Reports, English Chancery.
Pen. N. J. ..... Pennington's Reports, New Jersey.
Pen. & W. ..... Penrose & Watts' Pennsylvania Reports.
Penn. ..... Pennsylvania;—Pennsylvania State Reports; Pennypacker's;—Pennington's New Jersey Reports;—Penrose & Watts' Pennsylvania Reports;—Pennewill's Delaware Reports.
Penn. Co. Ct. Rep. .. Pennsylvania County Court Reports.
Penn. Del. ..... Pennewill's Delaware Reports.
Penn. Dist. Rep. .... Pennsylvania District Reports.
Penn. Rep. ..... Pennsylvania State Reports;—Penrose & Watts' Penn. Reports.
Penn. St. (or St. R.) .. Pennsylvania State Reports.
Penning ..... Pennington's New Jersey Reports.
Penny. ..... Pennypacker, Unreported Pennsylvania Cases;—Colonial Cases.
Penr. & W. ..... Penrose & Watts' Pennsylvania Reports.
Peo. L. Adv. ..... People's Legal Adviser, Utica, N. Y.
Per. Or. Cas. ..... Perry's Oriental Cases, Bombay.
Per. & Dav. ..... Perry & Davison's English King's Bench Reports.
Per. & Kn. ..... Perry & Knapp's English Election Reports.
Perry. ..... Sir Erskine Perry's Reports, in Morley's (East) Indian Digest;—Perry's Oriental Cases.

Perry & D. ..... Perry & Davison.
Perry & Kn. ..... Perry & Knapp's Election Cases.
Pet. ..... Peters' United States Supreme Court Reports;—Peters' United States Circuit Court Reports;—Peters' Admiralty Reports;—Peters' Prince Edward Island Reports.
Pet. Ad. (or Pet. Adm.) ..... Peters' U. S. District Court Reports (Admiralty Decisions).
Pet. Br. ..... Petit Brooke, or Brooke's New Cases, English King's Bench.
Pet. C. C. ..... Peters' United States Circuit Court Reports.
Pet. Cond. ..... Peters' Condensed Reports United States Supreme Court.
Pet. Dig. ..... Peters' Digest U. S.;—Peticolas' Texas Digest.
Pet. S. C. ..... Peters' United States Supreme Court Reports.
Peters Adm. ..... Peters' U. S. District Court Reports (Admiralty Decisions).
Petit Br. ..... Petit Brooke, or Brooke's New Cases, English King's Bench.
Ph. ..... Phillips' English Chancery Reports;—Phillimore's English Ecclesiastical Reports (see Phil.).
Ph. Ch. ..... Phillips' English Chancery Reports.
Ph. St. Tr. ..... Phillips' State Trials.
Phal. C. C. ..... Phalen's Criminal Cases.
Pheney Rep. ..... Pheney's New Term Reports.
Phil. ..... Phillips' English Chancery Reports;—Phillips' North Carolina Reports;—Phillips' English Election Cases; Phillimore's Ecclesiastical Reports; — Philadelphia Reports;—Phillips' Illinois Reports.
Phil. Ecc. Judg. .... Phillimore's Ecclesiastical Judgments.
Phil. Ecc. R. ..... Phillimore's English Ecclesiastical Reports.
Phil. El. Cas. ..... Phillips' Election Cases.
Phil. Eq. ..... Phillips' North Carolina Equity Reports.
Phil. Fam. Cas. ... Phillips' Famous Cases in Circumstantial Evidence.
Phil. Law. ..... Phillips' North Carolina Law Reports.
Phil. N. C. ..... Phillips' North Carolina Law Reports.
Phil. St. Tr. ..... Phillipp's State Trials.
Philippine Co. ..... Philippine Code.
Phill. ..... Phillips (see Phil. and Phillips).
Phillim. ..... Phillimore's English Ecclesiastical Reports; —see also Phil.

Phillips. ..... Phillips' English Chancery Reports;—Phillips' North Carolina Reports, Law and Equity;—Phillips' Illinois Reports, vols. 152–187.

Pick. ..... Pickering's Massachusetts Reports.

Pickle ..... Tennessee Reports, vols. 85–103.

Pig. & R. ..... Pigott & Rodwell's English Registration Appeal Cases.

Pike ..... Pike's Reports (1–5 Arkansas).

Pin. (or Pinn.) ..... Wisconsin Reports, Pinney's.

Piston (or Pist.) ..... Piston's Mauritius Reports.

Pitc. Tr. ..... Pitcairn's Criminal Trials, Scotland.

Pitts. Rep. ..... Pittsburg (Pennsylvania) Reports.

Pl. (or Pl. Com.) ..... Plowden's Commentaries or Reports, English King's Bench, etc.

Pl. C. ..... Placita Coronae (Pleas of the Crown).

Plow. ..... Plowden's English King's Bench Reports.

Pol. (or Pollex.) ..... Pollexfen's Reports, English King's Bench, etc.;—Police.

Pol. Sci. Quar. ..... Political Science Quarterly.

Poll. ..... Pollexfen's English King's Bench Reports.

Pomeroy ..... California Reports, vols. 73–128.

Pop. (or Poph.) ..... Popham's English King's Bench Reports.

Pop. Sci. Mo. ..... Popular Science Monthly.

Pope ..... Opinions Attorney General, pt. 1, vol. 22.

Poph. (2) ..... Cases at the end of Popham's Reports.

Porter ..... Porter's Alabama Reports; — Porter's Reports (3–7 Indiana).

Posey ..... Posey's Unreported Cases, Texas.

Post ..... Post's Reports (23–26 Michigan);—Post's Reports (42–64 Missouri).

Pot. Dwar. ..... Potter's Dwarris on Statutes.

Poth. Pand. ..... Pothier's Pandects.

Potter ..... Wyoming Reports, vols. 4–7.

Pow. R. & D. ..... Power, Rodwell & Drew's English Election Cases.

Pr. ..... Price's English Exchequer Reports;—Principium (the beginning of a title, law, or section);—Practice Reports (Ontario).

Pr. C. K. B. ..... Practice Cases in the King's Bench.

Pr. Ch. ..... Precedents in Chancery, by Finch;—Practice in the High Court of Chancery.

Pr. Dec. ..... Printed Decisions (Sneed's Kentucky Decisions).

Pr. Div. ..... Probate Division, Law Reports; — Pritchard's Divorce and Matrimonial Cases.

Pr. Exch. ..... Price's English Exchequer Reports.

Pr. Falc. ..... President Falconer's Reports, Scotch Court of Session.
Pr. Min. ..... Printed Minutes of Evidence.
Pr. R. ..... Practice Reports.
Pr. Reg. B. C. ..... Practical Register in the Bail Court.
Pr. Reg. C. P. ..... Practical Register in the Common Pleas.
Pr. Reg. Ch. ..... Practical Register in Chancery.
Pr. & Div. ..... Probate and Divorce, English Law Reports.
Pra. Cas. ..... Prater's Cases on Conflict of Laws.
Pratt Cont. Cas. ... Pratt's Contraband-of-War Cases.
Prec. Ch. ..... Precedents in Chancery.
Prer. ..... Prerogative Court.
Pres. Falc. ..... President Falconer's Scotch Session Cases (Gilmour & Falconer).
Pri. (or Price) ..... Price's Exchequer Reports.
Price Notes P. P.... Price's Notes of Points of Practice, English Exchequer Cases.
Prickett ..... Prickett's Reports (Idaho).
Prid. & C. ..... Prideaux & Cole's Reports (English), New Sessions Cases, vol. 4.
Prin. Dec. ..... Printed Decisions (Sneed's), Kentucky.
Priv. Counc. App. .. Privy Council Appeals.
Prob. Div. ..... Probate Division, English Law Reports.
Prob. Rep. ..... Probate Reports.
Prob. Rep. Ann. .... Probate Reports Annotated.
Prob. & Adm. Div. .. Probate and Admiralty Division, Law Reports.
Prob. & Div. ..... Probate and Divorce, English Law Reports.
Prob. & Mat. ..... Probate and Matrimonial Cases.
Prop. Lawyer N. S... Property Lawyer, New Series (periodical), England.
Prouty ..... Vermont Reports, vols. 61–68.
Prt. Rep. ..... Practice Reports.
Psych. & M. L. J..... Psychological and Medico-Legal Journal, New York.
Pugs. ..... Pugsley's Reports, New Brunswick.
Pugs. & Burb. ..... Pugsley & Burbridge's Reports, New Brunswick.
Pulsifer ..... Pulsifer's Reports (65–68 Maine).
Pump Ct. ..... Pump Court (London).
Punj. Rec. ..... Punjab Record.
Purd. Dig. ..... Purden's Digest Pennsylvania Laws.
Pyke ..... Pyke's Lower Canada King's Bench Reports.

Q

Q. ..... Quadragesms (Year Books Part IV);—Quebec;—Queensland.

Q. B. ..... Queen's Bench;—Queen's Bench Reports (Adolphus & Ellis, New Series);—English Law Reports, Queen's Bench (1841–1852);—Queen's Bench Reports, Upper Canada;—Queen's Bench Reports, Quebec.

Q. B. Div. (or Q. B. D.) ..... Queen's Bench Division, English Law Reports (1876–1890).

Q. B. (1891) ..... Law Reports, Queen's Bench, 1891.

Q. B. R. ..... Queen's Bench Reports, by Adolphus & Ellis (New Series).

Q. B. U. C. ..... Queen's Bench Reports, Upper Canada.

Q. P. R. ..... Quebec Practice Reports.

Q. L. R. ..... Quebec Law Reports;—Queensland Law Reports.

Q. R. ..... Official Reports, Province of Quebec.

Q. R. Q. B. ..... Quebec Reports, Queen's Bench.

Quadr. ..... Quadragesms (Year Books, Part IV).

Queb. L. R. ..... Quebec Law Reports, two series, Queen's Bench or Superior Court.

Queb. Q. B. ..... Quebec Queen's Bench Reports.

Queens. L. R. ..... Queensland Law Reports.

Quin. (or Quincy) .. Quincy, Massachusetts Reports.

Quinti, Quinto ..... Year Book, 5 Henry V.

R

R. A. ..... Registration Appeals;—Regular Appeals.

R. C. ..... Rolls of Court;—Record Commissioners;—Railway Cases;—Registration Cases; Revue Critique, Montreal.

R. C. & C. R. ..... Revenue, Civil, and Criminal Reporter, Calcutta.

R. G. ..... Regulae Generales (Ontario).

R. I. ..... Rhode Island;—Rhode Island Reports.

R. J. & P. J. ..... Revenue, Judicial, and Police Journal Calcutta.

R. L. ..... Revue Legale.

R. L. & S. ..... Ridgeway, Lapp & Schoales' Irish King's Bench Reports.

R. L. & W. ..... Robert, Leaming, & Wallis' English County Court Reports.

R. M. Ch. ..... R. M. Charlton's Georgia Reports.

R. P. C. ..... Real Property Cases, English;—Reports Patent Cases.

R. P. & W. ..... (Rawle) Penrose & Watts' Pennsylvania Reports.

R. R. & Can. Cas. ... Railway and Canal Cases, English.

R. t. F. ..... (Reports *temp.)* Finch, English Chancery.
R. t. H. ..... Reports *temp.* Hardwicke (Lee), English King's Bench; Reports *temp.* Holt (Cases Concerning Settlement).
R. t. Hardw. ..... Reports *temp.* Hardwicke, English King's Bench.
R. t. Holt. ..... Reports *temp.* Holt, English King's Bench.
R. t. Q. A. ..... Reports *temp.* Queen Anne (11 Modern).
R. & C. Cas. ..... Railway and Canal Cases, English.
R. & C. N. Sc. ..... Russell & Chesley's Reports, Nova Scotia.
R. & G. N. Sc. ..... Russell & Geldert's Reports, Nova Scotia.
R. & H. Dig. ..... Robinson & Harrison's Digest (Ontario).
R. & J. Dig. ..... Robinson & Joseph's Digest (Ontario).
R. & M. ..... Russell & Mylne's English Chancery Reports;—Ryan & Moody's English Nisi Prius Reports.
R. & M. C. C. ..... Ryan & Moody's Crown Cases Reserved, English.
R. & M. Dig. ..... Rapalje & Mack's Digest of Railway Law.
R. & M. N. P. ..... Ryan & Moody's Nisi Prius Cases, English.
R. & R. C. C. ..... Russell & Ryan's English Crown Cases, Reserved.
Ra. Ca. ..... English Railway and Canal Cases.
Rader ..... Missouri Reports, vols. 137–156.
Rail. & Can. Cas. .... Railway and Canal Cases, English;—Railway and Canal Traffic Cases.
Ram Cas. P. & E. ... Ram's Cases of Pleading and Evidence.
Ram Leg. Judm. (Towns. Ed.) ..... Ram's Science of Legal Judgment. Notes by Townshend.
Ram. & Mor. ..... Ramsey & Morin's Montreal Law Reporter.
Rand. ..... Randolph's Virginia Reports;—Randolph's Reports 21–56 Kansas;—Randolph's Reports 7–11 Louisiana Annual;—Randall, Ohio State Reports, vols. 52–71.
Raney ..... Raney's Reports (16–20 Florida).
Rang. Dec. ..... Spark's Rangoon Decisions, British Burmah.
Rap. Fed. Ref. Dig. .. Rapalje's Federal Reference Digest.
Rap. Jud. Q. B. R. .. Rapport's Judiciaries de Quebec Cour du Banc de la Reine.
Rap. Jud. Q. C. S. .. Rapport's Judiciaries de Quebec Cour Superieure.
Rap. Lar. ..... Rapalje on Larceny.
Rap. N. Y. Dig. ..... Rapalje's New York Digest.
Ratt. L. C. ..... Rattigan's Leading Cases on Hindoo Law.
Raw. (or Rawle) ... Rawle's Pennsylvania Reports.
Rawle Pen. & W. .... (Rawle) Penrose & Watts, Pennsylvania.
Raym. ..... Lord Raymond's English King's Bench Reports.

Raym. Ld. ..... Lord Raymond's English King's Bench Reports.
Raym. Sir T. ..... Sir Thomas Raymond's English King's Bench Reports.
Raymond ..... Iowa Reports, vols. 81–89.
Rayn. ..... Rayner's English Tithe Cases.
Re-af. ..... Re-affirmed.
Re. de J. ..... Revue de Jurisprudence, Montreal.
Re. de L. ..... Revue de Jurisprudence et Legislation, Montreal.
Real Est. Rec. ..... Real Estate Record, New York.
Real Pr. Cas. ..... Real Property Cases (English).
Rec. ..... Records;—Recorder;—American Law Record.
Rec. Dec. ..... Vaux's Recorder's Decisions, Philadelphia.
Red. ..... Redfield's New York Surrogate Reports;—Reddington, Maine.
Red. Am. R. R. Cas. .. Redfield's American Railway Cases.
Red. Cas. R. R. .... Redfield's Leading Cases on Railroads.
Red. Cas. Wills. .... Redfield's Leading Cases on Wills.
Red. R. R. Cas. .... Redfield's Leading Cases on Railroads.
Red. & Big. Cas. B. & N. ..... Redfield & Bigelow's Leading Cases on Bills and Notes.
Redf. (or Redf. Surr.) Redfield's New York Surrogate Reports.
Redington ..... Redington's Reports (31–35 Maine).
Reed Fraud ..... Reed's Leading Cases on Statute of Frauds.
Reese ..... Reporter vols. 5 and 11, Heiskell's Tenn. Rep.
Reg. App. ..... Registration Appeals.
Reg. Cas. ..... Registration Cases.
Reg. Om. Brev. .... Registrum Omnium Brevium.
Reilly. ..... Reilly's English Arbitration Cases.
Rem. Cr. Tr. ..... Remarkable Criminal Trials.
Rem. Tr. ..... Cummins & Durphy's Remarkable Trials.
Rem. Tr. No. Ch. ... Benson's Remarkable Trials and Notorious Characters.
Remy. ..... Indiana Reports, vols. 145–154, also Indiana Appellate Court Reports.
Rep. (1, 2, etc.) ..... Coke's English King's Bench Reports.
Rep. ..... Report — Reports—Reporter; — Repealed; — Wallace's "The Reporters."
Rep. Ass. Y. ..... (Clayton's) Reports of Assizes at Yorke.
Rep. Cas. Eq. ..... Gilbert's Chancery Reports.
Rep. Cas. Madr. .... Reports of Cases, Dewanny Adawlut, Madras.
Rep. Cas. Pr. ..... Reports of Cases of Practice (Cooke's).
Rep. Ch. ..... Reports in Chancery, English.
Rep. Ch. Pr. ..... Reports on Chancery Practice.
Rep. Com. Cas. .... Reports on Commercial Cases, Bengal.
Rep. Const. Ct. .... Reports of the Constitutional Court, South Carolina (Treadway, Mill, or Harper).

Rep. Cr. L. Com. . . . . Reports of Criminal Law Commissioners.
Rep. Eq. . . . . . Gilbert's English Reports in Equity.
Rep. in Ch. . . . . . Reports in Chancery, English.
Rep. Q. A. . . . . . Report *temp.* Queen Anne (11 Modern).
Rep. Sel. Cas. Ch. . . . Kelynge's (W.) Reports English Chancery.
Rep. t. Finch. . . . . . (Reports *temp.*) Finch, English Chancery.
Rep. t. Hard. . . . . . Lee's Reports *temp.* Hardwicke, English King's Bench Reports.
Rep. t. Holt . . . . . Reports *temp.* Holt (English Cases of Settlement).
Rep. t. O. Br. . . . . . Carter's English Common Pleas Reports *temp.* O. Bridgman.
Rep. t. Q. A. . . . . . Reports *temp.* Queen Anne (11 Modern Reports).
Rep. t. Talb. . . . . . Reports *temp.* Talbot, English Chancery.
Rep. Yorke Ass. . . . . Reports of Assizes at Yorke (Clayton's Reports).
Reports . . . . . Coke's English King's Bench Reports.
Rettie . . . . . Rettie, Crawford & Melville's Scotch Session Cases (4th series).
Rev. C. & C. Rep. . . . Revenue, Civil, and Criminal Reporter, Bengal.
Rev. Ord. N. W. T. . . . Revised Ordinances, Northwest Territories, (Canada) 1888.
Rev. St. . . . . . Revised Statutes.
Reyn. . . . . . Reynold's Reports (40–42 Mississippi).
Rice . . . . . Rice's South Carolina Law Reports.
Rice Eq. (or Ch.) . . . Rice's South Carolina Equity Reports.
Rich. . . . . . Richardson's South Carolina Law Reports;—Richardson's Reports (2–5 New Hampshire).
Rich. Ch. (or Eq.) . . . Richardson's South Carolina Equity Reports.
Rich. Ct. Cl. . . . . . Richardson's Court of Claims Reports.
Rich. Eq. (or Ch.) Cas. Richardson's South Carolina Equity Cases.
Rich. N. S. . . . . . Richardson's Reports, South Carolina, New Series.
Rich. Pr. Reg. . . . . . Richardson's Practical Register, English Common Pleas.
Rich. & H. . . . . . Richardson & Hook's Street Railway Decisions.
Rich. & W. . . . . . Richardson & Woodbury's Reports (2 New Hampshire).
Ridg. (or Ridg. t. Hard. or Ridg. Cas.; or Ridg. & Hard.) . . Ridgeway's Reports *temp.* Hardwicke, Chancery and K. B.
Ridg. Ap. (or P. C.) . . Ridgeway's Irish Appeal (or Parliamentary) Cases.

Ridg. L. & S......Ridgeway, Lapp & Schoales' Irish Term Reports.

Ridg. Parl. .....Ridgeway's Irish Appeal (or Parliamentary) Cases.

Ridg. Rep. (or St. Tr.) .....Ridgeway's (Individual) Reports of State Trials in Ireland.

Ridgew. .....Ridgeway (see Ridg.).

Ried. .....Riedell, New Hampshire Reports, vols. 68–69.

Ril. (or Riley).....Riley's South Carolina Law Reports;—Riley, West Virginia Reports, vols. 37–42.

Ril. (or Riley) Eq. (or Ch.) .....Riley's South Carolina Chancery Reports.

Ril. Harp. .....Riley's Edition of Harper's South Carolina Reports.

Riner .....Wyoming Reports, vol. 2.

Riv. Ann. Reg......Rivington's Annual Register.

Rob. .....Robinson's Virginia Reports;—Robinson's Louisiana Reports;—Robinson, vols. 17–23 and vols. 2–9 Appeals, Colorado;—Robertson's New York Superior Court Reports;—Robinson's English Ecclesiastical Reports;—Chr. Robinson's English Admiralty Reports;—W. Robinson's English Admiralty Reports;—Robinson's Scotch Appeal Cases;—Robertson's Scotch Appeal Cases;—Robinson's Reports (38 California);—Robinson's Reports (1–4 Louisiana Annual);—Robert's Reports (29–31 Louisiana Annual);—Robard's Reports (12–13 Missouri);—Robard's Conscript Cases, (Texas);—Chr. Robinson's Upper Canada Reports;—J. L. Robinson's Upper Canada Reports;—Robertson's Reports (1 Hawaiian);—Robinson, vol. 1, Nevada.

Rob. App. .....Robertson's Scotch Appeal Cases.

Rob. Cas. .....Robertson's Scotch Appeal Cases.

Rob. Chr. .....Chr. Robinson's English Admiralty Reports.

Rob. Consc. Cas......Robard's Conscript Cases, Texas.

Rob. Ecc. .....Robertson's English Ecclesiastical Reports.

Rob. Jun. .....William Robertson's English Admiralty Reports.

Rob. L. & W......Roberts, Leaming & Wallis' County Court Reports.

Rob. La. .....Robinson's Louisiana Reports.

Rob. S. I. .....Robertson's Sandwich Island (Hawaiian) Reports.

Rob. Sc. App. ..... Robinson's Scotch Appeals, English House of Lords.
Rob. Sr. Ct. ..... Robertson's New York Superior Court Reports.
Rob. U. C. ..... Robinson's Reports, Upper Canada.
Rob. Va. ..... Robinson's Virginia Reports.
Rob., Wm. Adm. .... William Robinson's English Admiralty Reports.
Robards ..... Robards' Reports (1 2 and 18 Missouri);—Robards' Texas Conscript Cases.
Robards & Jackson.. Robards & Jackson's Reports (26–27 Texas).
Robb (or Robb Pat. Cas.) ..... Robb's United States Patent Cases.
Roberts ..... Roberts' Reports (29–31 Louisiana Annual).
Robertson ..... Robertson's Scotch Appeal Cases;—Robertson's New York Superior Court Reports;—Robertson's New York Marine Court Reports;—Robertson's English Ecclesiastical Reports;—Robertson's Hawaiian Reports;—see also Rob.
Robin. App. ..... Robinson's Scotch Appeal Cases.
Robinson ..... Chr. Robinson's English Admiralty Reports;—W. Robinson's English Admiralty Reports;—Robinson's Virginia Reports;—Robinson's Louisiana Reports;—Robinson's Scotch Appeal Cases;—Robinson's Reports (38 California);—Chr. Robinson's Reports, Upper Canada;—J. L. Robinson's Reports, Upper Canada;—Robinson, Colorado;—Robinson, Nevada Reports, vol. 1.
Robt. ..... Robert;—Robertson.
Rodman ..... Rodman's Reports (78–82 Kentucky).
Rogers ..... Louisiana Reports, vols. 47–51.
Rol. (or Roll.) ..... Rolle's English K. B. Reports.
Roll ..... Roll of the Term.
Rolle ..... Rolle's English King's Bench Reports.
Rolle Abr. ..... Rolle's Abridgment.
Rolls Ct. Rep. ..... Rolls' Court Reports.
Rom. ..... Romilly's Notes of Cases English Chancery.
Root ..... Root's Connecticut Reports.
Rosc. Jur. ..... Roscoe's Jurist, London.
Rosc. N. P. ..... Roscoe's Nisi Prius.
Rose (or Rose B. C.).. Rose's Reports, English Bankruptcy.
Rose Notes. ..... Rose Notes on U. S. Reports.
Rose W. C. ..... Rose Will Case, New York.
Ross Ldg. Cas. ..... Ross, Leading Cases on Commercial Law.
Rot. Flor. ..... Rotae Florentine (Reports of the Supreme Court, or Rota, of Florence).

Rowe ..... Rowe's Interesting Parliamentary and Military Cases.
Rowe Rep. ..... Rowe's Reports (Irish).
Rowell ..... Rowell's Reports (45–52 Vermont).
Roy. Dig. ..... Royall's Digest Virginia Reports.
Rt. Law Repts. .... Rent Law Reports, India.
Rucker ..... West Virginia Reports, vols. 43–46.
Ruff. (or Ruff. & H.).. Ruffin's (& Hawk's) North Carolina Reports.
Runnell ..... Runnell's Reports (38, 56 Iowa).
Rus. ..... Russell.
Russ. ..... Russell's English Chancery Reports.
Russ. Elect. Cas..... Russell's Election Cases, Nova Scotia;—Russell's Election Cases, Massachusetts.
Russ. Eq. Rep. ..... Russell's Equity Decisions, Nova Scotia.
Russ. N. Sc. ..... Russell's Equity Cases, Nova Scotia.
Russ. t. Eld...... Russell's English Chancery Reports *temp.* Elden.
Russ. & Ches. ..... Russell & Chesley's Reports, Nova Scotia.
Russ. & Ches. Eq.... Russell & Chesley's Equity Reports, Nova Scotia.
Russ. & Geld. ..... Russell & Geldert's Reports, Nova Scotia.
Russ. & M. ..... Russell & Mylne's English Chancery Reports.
Russ. Ry. ..... Russell & Ryan's English Crown Cases Reserved.
Rutg. Cas. ..... Rutger-Washington Case, New York City, 1784.
Ry. Cas. ..... Reports of Railway Cases.
Ry. & Can. Cas. .... Railway and Canal Cases, England.
Ry. & Can. Traf. Ca.. Railway and Canal Traffic Cases.
Ry. & Corp. Law Jour. ..... Railway and Corporation Law Journal.
Ry. & M. ..... Ryan & Moody's Nisi Prius Reports, English.
Ry. & M. N. P...... Ryan & Moody's Nisi Prius Reports, English.

S

S. ..... Shaw, Dunlop, & Bell's Scotch Court of Session Reports (1st Series);—Shaw's Appeal Cases, House of Lords, Scotland;—New York Supplement;—see Supreme Court Reporter.
S. A. L. R. ..... South Australian Law Reports.
S. App. ..... Shaw's Scotch House of Lords (Appeal) Cases.
S. Aust. L. R. ..... South Australian Law Reports.
S. B. ..... Upper Bench, or Supreme Bench.

S. C. ..... South Carolina;—South Carolina Reports, New Series;—Same Case;—Superior Court;—Supreme Court;—Sessions Cases;—Samuel Carter, (see Orlando Bridgman).
S. C. A. ..... Supreme and Exchequer Courts Act (Canada).
S. C. Bar Assn. ..... South Carolina Bar Association.
S. C. C. ..... Select Chancery Cases (part 3 of Cases in Chancery); Small Cause Court, India.
S. C. Dig. ..... Cassell's Supreme Court Digest (Canada).
S. C. E. ..... Select Cases Relating to Evidence (Strange).
S. C. R. ..... South Carolina Reports, New Series;—Harper's South Carolina Reports;—Supreme Court Reports; Supreme Court Rules;—Supreme Court of Canada Reports.
S. Car. ..... South Carolina;—South Carolina Reports, New Series.
S. D. ..... South Dakota.
S. D. A. ..... Sudder Dewanny Adawlut Reports, India.
S. D. & B. ..... Shaw, Dunlop & Bell's Scotch Court of Session Reports (1st Series).
S. D. & B. Sup. ..... Shaw, Dunlop & Bell's Supplement, containing House of Lord's Decisions.
S. E. ..... Southeastern Reporter.
S. F. ..... Used by the West Pub. Co. to locate place where decision is from, as, "S. F. 59," San Francisco Case No. 59 on Docket.
S. F. A. ..... Sudder Foujdaree Adawlut Reports, India.
S. Just. ..... Shaw's Justiciary Cases, Scotland.
S. L. C. ..... Smith's Leading Cases.
S. L. C. App. ..... Stuart's Lower Canada Appeal Cases.
S. L. J. ..... Scottish Law Journal, Edinburgh.
S. R. ..... State Reporter, N. Y.
S. S. ..... Synopsis Series of United States Treasury Decisions.
S. S. C. ..... Sanford's New York City Superior Court Reports.
S. T. (or St. Tri.) ... State Trials.
S. Teind. ..... Shaw's Teind Cases, Scotland.
S. T. D. ..... Synopsis Treasurer's Decisions.
S. V. A. R. ..... Stuart's Vice-Admiralty Reports, Quebec.
S. W. ..... Southwestern;—Southwestern Reporter.
S. & B. ..... Smith & Batty's Irish King's Bench Reports.
S. & C. ..... Saunder & Cole's English Bail Court Reports; Swan & Critchfield, Revised Statutes, Ohio.
S. & D. ..... Shaw, Dunlop, & Bell's Scotch Court of Session Reports (1st series).
S. & G. ..... Smale & Giffard, English.

S. & L......Schoales & Lefroy's Irish Chancery Reports.
S. & M......Shaw & MacLean's Appeal Cases, House of Lords;—Smedes & Marshall's Mississippi Reports.
S. & M. Ch......Smedes & Marshall's Mississippi Chancery Reports.
S. & R......Sergeant & Rawle's Pennsylvania Reports.
S. & S......Sausse & Scully's Irish Rolls Court Reports;—Simons & Stuart, English Vice-Chancellors' Reports;—Swan & Sayler, Revised Statutes of Ohio.
S. & Sm......Searle & Smith's English Probate and Divorce Reports.
S. & T......Swabey & Tristram's English Probate and Divorce Reports.
Sal. .....Salinger, Iowa Reports, vols. 90–106.
Salk. .....Salkeld's English King's Bench Reports.
Salm. Abr. .....Salmon's Abridgment of State Trials.
Salm. St. R......Salmon's Edition of the State Trials.
Sand. .....Sandford's New York Superior Court Reports.
Sand. Ch. .....Sandford's New York Chancery Reports.
Sand. I. Rep......Sandwich Island (Hawaiian) Reports.
Sandf. .....Sandford's New York Superior Court Reports.
Sandf. Ch. .....Sandford's New York Chancery Reports.
Sandl. St. Pap......Sandler's State Papers.
Sanf. .....Sanford, Alabama Reports, vol. 59.
Sar. Ch. Sen......Saratoga Chancery Sentinel.
Sauls. .....Saulsbury, Delaware Reports, vols. 5–6.
Sau. & Sc......Sausse & Scully's Irish Rolls Court Reports.
Saund. .....Saunder's English King's Bench Reports.
Saund. & C......Saunders & Cole's English Bail Court Reports.
Saund. & Mac......Saunders & Macrae's English County Court Cases.
Sausse & Sc. .....Sausse & Scully's Irish Rolls Court Reports.
Sav. .....Savile's English Common Pleas Reports.
Sav. Priv. .....Trial of the Savannah Privateers.
Saw. (or Sawy.)....Sawyer's United States Circuit Court Reports.
Sax. (or Saxt.).....Saxton's New Jersey Chancery Reports.
Say. .....Sayer's English King's Bench Reports.
Sc. .....Scilicet (that is to say);—Scaccaria (Exchequer);—Scott's Reports, English Common Pleas;—Scotch;—Scammon's Illinois Reports.

Sc. Jur. ..... Scottish Jurist.
Sc. L. R...... Scottish Law Reporter, Edinburgh.
Sc. N. R...... Scott's New Reports.
Sc. Sess. Cas...... Scotch Court of Session Cases.
Sc. & Div. App...... Scotch and Divorce Appeals (Law Reports).
Scac. ..... Scaccaria Curia (Court of Exchequer).
Scam. ..... Scammon's Reports (2–5 Illinois).
Sch. & Lef...... Schoales & Lefroy's Irish Chantery Reports.
Schalk ..... Schalk's Jamaica Reports.
Scher. ..... Scherer, New York Miscellaneous Reports.
Sci. fa. ad dis. deb... Scire facias ad disprobandum debitum.
Sco. ..... Scott's English Common Pleas Reports.
Sco. N. R...... Scott's New Reports, English Common Pleas.
Scot. ..... Scotland;—Scottish.
Scot. Jur. ..... Scottish Jurist, Edinburgh.
Scot. L. R...... Scottish Law Reporter, Edinburgh;—Scottish Law Review, Glasgow.
Scot L. T...... Scot's Law Times (Edinburgh).
Scott ..... Scott's English Common Pleas Reports;—Scott's N. Y. Civil Procedure.
Scott J. ..... Reporter English Common Bench Reports.
Scott N. R...... Scott's New Reports, English Common Pleas.
Scr. L. T...... Scranton Law Times, Pennsylvania.
Searle & Sm...... Searle & Smith's English Probate and Divorce Reports.
Sec. leg. ..... Secundum legum (according to law).
Sec. reg. ..... Secundum regulam (according to rule).
Secd. pt. Edw. III.... Part 3 of the Year Books.
Secd. pt. H. VI...... Part 8 of the Year Books.
Sedg. L. Cas...... Sedgwick's Leading Cases on Damages;—Sedgwick's Leading Cases on Real Property.
Seign. Rep. ..... Seignorial Reports, Lower Canada.
Sel. Cas. Ch...... Select Cases in Chancery (part 3 of Cases in Chancery).
Sel. Cas. D. A...... Select Cases (Sudder), Dewanny Adawlut, India.
Sel. Cas. Ev...... Select Cases in Evidence (Strange).
Sel. Cas. N. F...... Select Cases, Newfoundland.
Sel. Cas. N. W. P.... Selected Cases, Northwest Provinces, India.
Sel. Cas. N. Y...... Yates' Select Cases, New York.
Sel. Cas. t. Br...... (Cooper's) Select Cases *temp.* Brougham.
Sel. Cas. t. King.... Select Cases in Chancery *temp.* King.
Sel. Cas. t. Nap...... (Drury's) Select Cases *temp.* Napier, Irish Chancery.
Sel. Cas. with Opin.. Select Cases with Opinions, by a Solicitor.
Sel. Dec. Bomb...... Selected Decisions, Sudder Dewanny Adawlut, Bombay.

Sel. Dec. Madr...... Select Decrees, Sudr Udawlut, Madras.
Sel. Pr. ..... Sellon's Practice.
Seld. ..... Selden's Reports (5–10 New York Court of Appeals).
Seld. Notes ..... Selden's Notes, New York Court of Appeals.
Selw. N. P...... Selwyn's Law of Nisi Prius.
Selw. & Barn...... The First Part of Barnewall & Alderson's English K. B. Reports.
Serg. & Lowb. Rep... English Common Law Reports, American reprints edited by Sergeant & Lowber.
Serg. & R...... Sergeant & Rawle's Pennsylvania Reports.
Sess. Cas. ..... Sessions Cases (English King's Bench Reports);—Scotch Court of Sessions Cases.
Sess. Cas. Sc...... Session Cases, Scotch Court of Sessions.
Sess. Pap. C. C. C.... Session Papers, Central Criminal Court.
Sess. Pap. O. B...... Session Papers, Old Bailey.
Set. (or Sett. & Rem.) Cas. ..... English Settlement and Removal Cases (Burrow's Settlement Cases).
Sev. H. C...... Sevestre's High Court Reports, Bengal.
Sev. S. D. A...... Sevestre's Sudder Dewaney Adawlut Reports, Bengal.
Sh. ..... Shower's English Parliamentary Cases;—Shower's English King's Bench Reports;—Shepley's Reports (13–18 and 21–30 Maine);—Shaw's Scotch Appeal Cases;—Shaw, etc., First Series Scotch Court of Session Cases;—Shaw's Scotch Justiciary Cases;—Shaw's Scotch Teind Court Reports;—G. B. Shaw's Reports (10, 11 Vermont);—W. G. Shaw's Reports (30–35 Vermont);—Shirley's Reports (49–55 New Hampshire);—Sheldon's Buffalo (N. Y.) Superior Court Reports;—Shepherd's Reports (Alabama);—Shipp's Reports (66, 67 North Carolina);—Shand's Reports (11–44 South Carolina);—Shadforth's Reserved Judgments, Victoria.
Sh. App. ..... Shaw's Scotch Appeal Cases.
Sh. Crim. Cas...... Shaw's Criminal Cases (Justiciary Court).
Sh. Dig. ..... Shaw's Digest of Decisions, Scotland.
Sh. Jus. ..... Shaw's Justiciary Cases, Scotland.
Sh. W. & C...... Shaw, Wilson & Courtenay's Scotch Appeals Reports (Wilson & Shaw's Reports).
Sh. & Dunl...... Shaw & Dunlop's Scotch Court of Session Reports (1st Series).
Sh. & Macl...... Shaw & Maclean's Scotch Appeal Cases.
Shad. ..... Shadford's Victoria Reports.

Shan. ..... Shannon, Tennessee Cases, 8 volumes.
Shand. ..... Shand's Reports (11–44 South Carolina, N. S.).
Shars. Tab. Ca. ..... Sharswood Table of Cases, Connecticut.
Shars. & B. ..... Sharswood's Table of Cases, Connecticut.
Shaw ..... Shaw, Scotch Appeal Cases;—Shaw, etc., 1st Series Scotch Court of Session Cases;—Shaw's Scotch Justiciary Cases;—Shaw's Scotch Teind Court Reports;—G. B. Shaw's Reports (10, 11 Vermont);—W. G. Shaw's Reports (30–35 Vermont).
Shaw Dec. ..... Shaw (etc.) Decisions in the Scotch Court of Sessions (1st Series).
Shaw, Dunl. & B. ... Shaw, Dunlop & Bell's (1st Series) Scotch Session Cases.
Shaw (G. B.) ..... G. B. Shaw's Reports (10, 11 Vermont).
Shaw, H. L. ..... Shaw's Scotch Appeal Cases, House of Lords.
Shaw Jus. ..... Shaw's (John) Scotch Justiciary Cases.
Shaw T. Cas. ..... Shaw's Scotch Teind Court Cases.
Shaw (W. G.) ..... W. G. Shaw's Reports (30–35 Vermont).
Shaw, W. & C. ..... Shaw, Wilson & Courtenay, (Scotch same as Wilson & Shaw).
Shaw & Macl. ..... Shaw & Maclean, Scotch.
Shel. ..... Sheldon (see Sheld.).
Shel. Ca. ..... Shelley's Case in 1 Coke Reports.
Sheld. (or Sheldon). . Sheldon's Reports, Superior Court of Buffalo, N. Y.
Shep. ..... Shepley's Reports (13–18 and 21–39 Maine);—Shepherd's Reports, (Alabama).
Shep. Sel. Cas. ..... Sheppard's Select Cases, Alabama.
Shep. Touch. ..... Sheppard's Touchstone.
Sher. Ct. Rep. ..... Sheriff Court Reports, Scotland;—Sheriff Court Reporter.
Shiel ..... Shiel's Reports, Cape Colony.
Shipp ..... Shipp's Reports (66, 67 North Carolina).
Shirl. ..... Shirley's Reports (49–55 New Hampshire).
Show. ..... Shower's Parliamentary Cases;—Shower's K. B. Reports.
Show. K. B. ..... Shower's English King's Bench Reports.
Show. P. C. ..... Shower's English Parliamentary Cases.
Sick. ..... Sickels, New York Court of Appeals Reports, vols. 46–146.
Sick. Min. Dec. ..... Sickels' Mining Laws and Decisions.
Sick. Op. ..... Sickels' Opinions of the New York Attorneys-General.
Sid. ..... Siderfin's English King's Bench Reports.
Silv. ..... Silvernail, Unreported Cases N. Y. Court of Appeals;—Unreported Cases N. Y. Supreme Court;—Criminal Reports, N. Y.

Silv. Cit. ..... Silvernail's New York Citations.
Sim. ..... Simon's English Vice-Chancery Reports;—Simmons' Wisconsin Reports, vols. 95–97, 99.
Sim. N. S. ..... Simon's English Vice-Chancery Reports, New Series.
Sim. & C. ..... Simmons & Conover, Wisconsin Reports, vols. 95–97, 99.
Sim. & Stu. (or Sim. & S.) ..... Simons & Stuart's English Vice-Chancery Reports.
Sinclair ..... Sinclair's Manuscript Decisions, Scotch Session Cases.
Sir T. J. ..... Sir Thomas Jones' Reports.
Six Circ. ..... Cases on the Six Circuits, Irish.
Skill. Pol. Rep. ..... Skillman's New York Police Reports.
Skin. ..... Skinner's English King's Bench Reports.
Skinker ..... Skinker's Reports (65–79 Missouri).
Slade ..... Slade's Reports (15 Vermont).
Sm. C. C. M. ..... Smith's Circuit Courts-Martial Reports, Maine.
Sm. Cond. Ala. ..... Smith's Condensed Alabama Reports.
Sm. E. D. ..... E. D. Smith's Reports, N. Y.
Sm. L. C. ..... Smith's Leading Cases.
Sm. L. Cas. Com. L. ..... Smith's Leading Cases on Commercial Law.
Sm. & B. R. R. Cas. ..... Smith & Bates' American Railway Cases.
Sm. & Bat. ..... Smith & Batty's Irish King's Bench Reports.
Sm. & G. ..... Smale & Giffard's English Vice-Chancellors' Reports;—Smith & Guthrie, Missouri Appeal Reports, vols. 81–83.
Sm. & M. ..... Smedes & Marshall's Mississippi Reports.
Sm. & M. Ch. ..... Smedes & Marshall's Mississippi Chancery Reports.
Sma. & Giff. ..... Smale & Giffard's English Vice-Chancellors' Reports.
Smed. & M. ..... Smedes & Marshall's Mississippi Reports.
Smed. & M. Ch. ..... Smedes & Marshall's Mississippi Chancery Reports.
Smi. & Bat. ..... Smith & Batty's Irish King's Bench Reports.
Smith ..... Smith's New Hampshire Reports;—Smith (vols. 2–4 Dakota);—J. P. Smith's English King's Bench Reports;—Smith, in continuation of Fox & Smith;—Smith, English Registration;—P. F. Smith's Pennsylvania State Reports;—E. P. Smith's Reports (15–27 New York Court of Appeals);—E. D. Smith's New York Common Pleas Reports;—Smith, E. H., (New York Court of Ap-

Smith (Cont'd).....	peals, vols. 147–160);—Smith's Reports (54–62 California);—Smith's Reports Indiana;—Smith's Reports (61–64 Maine);—Smith's Reports (1–11 Wisconsin);—Smith, E. B., (vols. 21–47 Illinois Appeals Report);—Smith, vols. 7 and 12 Heiskell's Tennessee Reports;—Smith, Mo. App. Repts., vols. 81–83.
Smith C. P. (or E. D.)..	E. D. Smith's Common Pleas Reports, New York.
Smith E. H.....	New York Court of Appeals, 15–27; 147–162.
Smith E. P. (or Ct. App.)	E. P. Smith's Reports (15–27 New York Court of Appeals).
Smith Ind.	Smith's Indiana Reports.
Smith (J. P.).....	J. P. Smith's English King's Bench Reports.
Smith L. C.....	Smith's Leading Cases.
Smith Me.	Smith's Reports (61–64 Maine).
Smith N. H.....	Smith's New Hampshire Reports.
Smith N. Y.....	Smith's Reports, vols. 15–27 and 147–162 New York Court of Appeals.
Smith P. F. (or Pa.)..	P. F. Smith's Pennsylvania State Reports.
Smith Wis.	Smith's Reports (1–11 Wisconsin).
Smith & B. R. R. C..	Smith & Bates' American Railway Cases.
Smith & B.....	Smith & Batty's Irish King's Bench Reports;—Smith & Bates' American Railway Cases.
Smith & G.....	Smith & Guthrie, Mo. App. Reports.
Smoult	Notes of Cases in Smoult's Collection of Orders, Calcutta.
Smy. (or Smythe)...	Smythe's Irish Common Pleas Reports.
Sneed	Sneed's Tennessee Reports;—Sneed's Kentucky Decisions.
Sneed Dec.	Sneed's Kentucky Decisions.
Snow	Utah Reports, vol. 3.
So. Aus. L. R.	South Australian Law Reports.
So. Car.	South Carolina;—South Carolina Reports.
So. Car. Const.....	South Carolina Constitutional Reports (by Treadway, by Mill, or by Harper).
So. Car. L. J.....	South Carolina Law Journal, Columbia.
So. East. Rep.....	Southeastern Reporter.
So. Rep.	Southern Reporter.
So. West. Rep.....	Southwestern Reporter.
Soc. Econ.	Social Economist.
Sol. J.	Solicitors' Journal, London.
Sol. J. & R.....	Solicitors' Law Journal and Reporter, London.
Sou. Aus. L. R.....	South Australian Law Reports.
South Car.	South Carolina.

Southard ..... Southard's New Jersey Reports.
Southw. L. J...... Southwestern Law Journal and Reporter.
Sp. ..... Spink's English Ecclesiastical and Admiralty Reports;—Spear's South Carolina Law Reports.
Sp. Eq. (or Ch.).... Spear's South Carolina Equity Reports.
Sp. Pr. Cas...... Spink's Prize Cases.
Sp. & Sel. Cas...... Special and Selected Law Cases.
Sparks ..... Sparks' Reports, British Burmah.
Spaulding ..... Spaulding's Reports (71–80 Maine).
Spear (or Speer).... Spear's (or Speer's) South Carolina Law Reports.
Spear (or Speer) Eq.. Spear's (or Speer's) South Carolina Equity Reports.
Spel. Rep. ..... Spelman's Reports, Manuscript, English King's Bench.
Spencer ..... Spencer's New Jersey Reports;—Spencer's Reports (10–20 Minnesota).
Spinks ..... Spinks' English Ecclesiastical and Admiralty Reports.
Spinks P. C...... Spinks' English Prize Cases.
Spooner ..... Spooner's Reports (12–15 Wisconsin).
Spottis. ..... Sir R. Spottiswoode's Reports, Scotch Court of Session.
Spottis. C. L. & Eq. Rep. ..... Common Law and Equity Reports, published by Spottiswoode.
Spr. (or Sprague)... Sprague's United States District Court (Admiralty) Decisions.
St. ..... State;—Story's United States Circuit Court Reports (see Sto.);—Stair's Scotch Court of Session Reports;—Stuart (Milne & Peddie) Scotch Session Cases;—Statutes.
St. Cas. ..... Stillingfleet's Ecclesiastical Cases, English.
St. Ch. Cas...... Star Chamber Cases.
St. Clem. ..... St. Clement's Church Case, Philadelphia.
St. Eccl. Cas. ..... Stillingfleet's Ecclesiastical Cases.
St. Mark ..... St. Mark's Church Case, Philadelphia.
St. M. & P...... Stuart, Milne & Peddie, Scotch.
St. Rep. ..... State Reports;—State Reporter.
Sm. Eq. ..... Smith's (J. W.) Manual of Equity;—Smith's Principles of Equity.
St. Tr. ..... The State Trials (English).
Stafford ..... Vermont Reports, vols. 69–71.
Stair ..... Stair's Reports, Scotch Court of Session.
Stanton ..... Stanton's Reports (11–13 Ohio).
Star. ..... Starkie's English Nisi Prius Reports.
Star Ch. Ca...... Star Chamber Cases.

Stark. N. P. ..... Starkie's English Nisi Prius Reports.
Stat. at L. ..... United States Statutes at Large.
State Tr. ..... State Trials, English.
Steph. Dig. ..... Stephen's Quebec Law Digest.
Stev. Dig. ..... Steven's New Brunswick Digest.
Stevens & G. ..... Stevens & Graham, Georgia Reports, vols. 80–111.
Stew. ..... Stewart's Alabama Reports;—Stewart's N. J. Equity Reports;—Stewart, R. W., South Dakota, vols. 1–10.
Stew. Adm. (or V. A.) ..... Stewart's Vice-Admiralty Reports, Nova Scotia.
Stew. Eq. ..... Stewart's Reports (28–45 New Jersey Equity).
Stew. (N. J.) ..... Stewart's New Jersey Equity Reports.
Stew. N. Sc. ..... Stewart's Admiralty Reports, Nova Scotia.
Stew. & P. ..... Stewart & Porter's Alabama Reports.
Stiles ..... Stiles' Reports (22–29 Iowa).
Still. Eccl. Cas. ..... Stillingfleet's Ecclesiastical Cases.
Stiness ..... Rhode Island Reports, vols. 20–21.
Sto. (or Sto. C. C.) ... Story's United States Circuit Court Reports.
Stock. ..... Stockton's New Jersey Equity Reports;—Stockton New Brunswick, (same as Berton's Reports).
Stockett ..... Stockett's Reports (27–79 Maryland).
Stockt. Ch. ..... Stockton's New Jersey Chancery Reports.
Story ..... Story's U. S. Circuit Court Reports;—see also Sto.
Str. ..... Strange's English King's Bench Reports.
Str. Cas. Ev. (or Str. 8vo.) ..... Strange Cases of Evidence ("Octavo Strange").
Str. N. C. ..... Sir T. Strange's Notes of Cases, Madras.
Stra. ..... Strange.
Straham ..... Oregon Reports, vol. 19.
Stran. ..... Strange.
Strange, Madras .... Strange's Notes of Cases, Madras.
Stratton ..... Oregon Reports, vols. 12–14.
Stringfellow ..... Stringfellow's Reports (9–11 Missouri).
Strob. ..... Strobhart's South Carolina Law Reports.
Strob. Eq. (or Ch.) .. Strobhart's South Carolina Equity Reports.
Struve ..... Washington Ter. Rep. vol. 8.
Stu. Adm. (or O. A.) .. Stuart's Vice-Admiralty Reports Lower Canada.
Stu. Ap. ..... Stuart's Appeal Cases (Lower Canada King's Bench Reports).
Stu. K. B. (or L. C.) .. Stuart's Lower Canada Reports.
Stu. Mil. & Ped. .... Stuart, Milne & Peddie's Scotch Court of Session Reports.

Stuart ..... Stuart's Lower Canada Reports;—Stuart's Vice-Admiralty Reports;—Stuart, Milne & Peddie's Scotch Session Cases.
Stuart L. C. K. B. .... Stuart's Lower Canada King's Bench Reports.
Stuart L. C. V. A. .... Stuart's Lower Canada Vice-Admiralty Reports.
Stud. Hist. ..... Studies in History, Economics and Public Law.
Sty. ..... Style's English King's Bench Reports.
Sty. Pr. Reg. ..... Style's Practical Register.
Sud. Dew. Ad. ..... Sudder Dewanny Adawlut Reports, India.
Sud. Dew. Rep. ..... Sudder Dewanny's Reports, N. W. Provinces, India.
Sum. ..... Sumner's United States Circuit Court Reports.
Summ. Dec. ..... Summary Decisions, Bengal.
Summerfield, S. .... Nevada Reports, vol. 21.
Sumn. ..... Sumner's United States Circuit Court Reports.
Sumn. Ves. (or Sum. Ves.) ..... Sumner's Edition of Vesey's Reports.
Sup. Ct. Reptr. ..... Supreme Court Reporter of Decisions of U. S. Supreme Court.
Supp. Ves. Jun. ..... Supplement to Vesey, Jr.'s Reports.
Supr. ..... Supreme; Superior Court Reports.
Surr. ..... Surrogate.
Susq. L. C. ..... Susquehanna Leading Chronicle.
Suth. ..... Sutherland's Reports.
Suth. Bengal ..... Sutherland's High Court Reports, Bengal.
Suth. F. B. R. ..... Sutherland's Full Bench Rulings, Bengal.
Suth. P. C. J. (or A.). Sutherland's Privy Council Judgments or Appeals.
Suth. W. R. ..... Sutherland's Weekly Reporter, Calcutta.
Sw. ..... Swanston's English Chancery Reports;—Swabey's English Admiralty Reports;—Sweeney's New York Superior Court Reports;—Swan's Tennessee Reports;—Swinton's Scotch Justiciary Cases;—Swan;—Sweet;—Swift.
Sw. (or Swab.) & Tr. Swabey & Tristram's English Probate and Divorce Reports.
Swab. (or Swab. Admr.) ..... Swabey's English Admiralty Reports.
Swan ..... Swan's Tennessee Reports;—Swanston's English Chancery Reports.
Swan. Ch. ..... Swanston's English Chancery Reports.
Swan Tr. ..... Swan's Treatise, Ohio.

Swan '41.....Swan's Revised Statutes of Ohio, 1841.
Swan '54.....Swan's Revised Statutes of Ohio, 1854.
Swans. (or Swanst.)..Swanston's English Chancery Reports.
Sween. .....Sweeney's New York Superior Court Reports.
Sweet M. Sett. Cas...Sweet's Marriage Settlement Cases.
Swin. .....Swinton's Scotch Judiciary Reports.
Swin. Jus. Cas......Swinton's Justiciary Cases, Scotland.
Swin. Reg. App......Swinton's Scotch Registration Appeal Cases.
Syme .....Syme's Scotch Judiciary Reports.
Syn. Ser. .....Synopsis Series of the United States Treasury Decisions.

T

T. .....Territory;—Tappan's Ohio Reports.
T. B. Mon......T. B. Monroe's Kentucky Reports.
T. B. & M. .....Tracewell, Bowers & Mitchell, U. S. Comptroller's Decisions, 1898, vol. 4.
T. Jones (or 2 Jones)..T. Jones' English King's Bench Reports.
T. L. R......Times Law Reports.
T. R. .....Term Reports, Durnford & East; — Teste Rege;—Dayton Term Reports.
T. R. N. S......Term Reports, New Series (East's Reports).
T. R. (N. Y.).....Caine's (Term) Reports, New York.
T. R. E. (or T. E. R.)..Tempore Regis Edwardi.
T. Raym. .....Sir T. Raymond's English King's Bench Reports.
T. T. R......Tarl Town Reports, New South Wales.
T. U. P. Charlt......T. U. P. Charlton's Reports, Georgia.
T. & C......Thompson & Cook's New York Supreme Court Reports.
T. & G......Tyrwhitt & Granger's English Exchequer Reports.
T. & M......Temple & Mew's Crown Cases, English.
T. & P......Turner & Phillip's Reports, English Chancery.
T. & R......Turner's & Russel's English Chancery Reports.
Tait .....Tait's Manuscript Decisions, Scotch Session Cases.
Tal. (or Talb.).....Cases *tempore* Talbot, English Chancery.
Tam. .....Tamlyn's English Rolls Court Reports.
Tan. (or Taney)....Taney's United States Circuit Court Reports.
Tanner .....Tanner's Reports (8–14 Indiana);—Tanner, Utah Reports, 13–17.
Tap. (or Tapp.).....Tappan's Ohio Reports.
Tarl. Term R......Tarleton's Term Reports, New South Wales.

Taun. (or Taunt.)...Taunton's English Common Pleas Reports.
Tax Law Rep......Tax Law Reporter.
Tay. .....Taylor (See Taylor);—Taylor's Reports (Ontario).
Tay. J. L......J. L. Taylor's North Carolina Reports.
Tay. N. C......Taylor's North Carolina Reports.
Tay. U. C......Taylor's Upper Canada Reports.
Tay. & B......Taylor & Bell's Bengal Reports.
Taylor .....Taylor's North Carolina Reports;—Taylor's Upper Canada Reports;—Taylor's Bengal Reports.
Taylor U. C......Taylor's King's Bench Reports, Upper Canada (now Ontario).
Temp. .....Tempore (in the time of).
Temp. Geo. II......Cases in Chancery *tempore* George II.
Temp. & M......Temple & Mew's English Crown Cases.
Tenn. .....Tennessee;—Tennessee Reports (Overton's).
Tenn. Cas. .....Thompson's Unreported Cases, Tennessee;—Shannon's Cases, Tennessee.
Tenn. Ch. .....Cooper's Tennessee Chancery Reports.
Tenn. Leg. Rep......Tennessee Legal Reporter, Nashville.
Term .....Term Reports, King's Bench (Durnford & East's Reports).
Term N. C......Term Reports, North Carolina, by Taylor.
Terr. .....Territory;—Terrell, Texas Reports, vols. 88–71.
Terr. & Walk......Terrell & Walker's Reports (88–51 Texas).
Tex. .....Texas;—Texas Reports.
Tex. App. .....Texas Court of Appeals Reports (Criminal Cases);—Texas Appeals Civil Cases.
Tex. Civ. App......Texas Civil Appeals Reports.
Tex. Civ. Rep......Texas Civil Reports.
Tex. Crim. Rep......Texas Criminal Reports.
Tex. Ct. Rep......Texas Court Reporter.
Tex. Supp. .....Supplement to vol. 25, Texas Reports.
Th. .....Thomas (see Thom.)—Thomson (see Thom.); Thompson (see Thomp.).
Th. C. C......Thatcher's Criminal Cases, Massachusetts.
Th. C. Const. Law...Thomas' Leading Cases in Constitutional Law.
Th. & C......Thompson & Cooke's New York Supreme Court Reports.
Thac. Cr. Cas......Thatcher's Massachusetts Criminal Cases.
Thayer .....Oregon Reports, vol. 18.
Them. .....La Themis, Montreal, Quebec;—The American Themis, N. Y.
The Rep. .....The Reporter;—The Reports. (Coke's Reports).

Tho. ..... Thomas (see Thom.);—Thomson see (Thom.); —Thompson (see Thomp.).
Thom. ..... Thomson's Reports, Nova Scotia;—Thomas' Wyoming Reports vol. 1.
Thom. Const. L. (or L. C.) ..... Thomas' Leading Cases on Constitutional Law.
Thom. Dec. ..... 1 Thomson, Nova Scotia Reports.
Thom. Rep. ..... 2 Thomson, Nova Scotia Reports.
Thom. Sel. Dec. ..... Thomson's Select Decisions, Nova Scotia.
Thom. & Fr. ..... Thomas & Franklin's Reports (1 Maryland Chancery).
Thomas ..... Thomas' Reports, Wyoming Territory.
Thomp. Cal. ..... Thompson's Reports (39, 40 California).
Thomp. Cit. ..... Thompson's Citations, Ohio;—Indiana.
Thomp. N. B. Cas. ... Thompson's National Bank Cases.
Thomp. Tenn. Cas. .. Thompson's Unreported Tennessee Cases.
Thomp. & C. ..... Thompson & Cooke's N. Y. Supreme Court Reports.
Thompson ..... California Reports, vols. 39, 40;—Thompson's Nova Scotia Reports.
Thor. ..... Thorington, Alabama Reports, vol. 107.
Thorn. ..... Thornton's Notes of Cases, Ecclesiastical and Maritime.
Thorpe ..... Louisiana Reports, vol. 52.
Thos. ..... Thomas (see Thom.).
Tich. Tr. ..... Report of the Tichborn Trial, London.
Tidd Pr. ..... Tidd's Practice.
Tiffany (or Tiff.) .... Tiffany's Reports (28–39 New York Court of Appeals).
Tillman ..... Alabama Reports, vols. 68, 69, 71, 73, 75.
Till. & Yates App. .... Tillinghast & Yates on Appeals.
Times L. R. ..... Times Law Report.
Tinw. ..... Tinwald's Reports, Scotch Court of Sessions.
To. Je. ..... Sir Thomas Jones' English King's Bench Reports.
Tobey ..... Tobey's Reports (9–10 Rhode Island).
Toml. (Cas.) ..... Tomlin's Election Evidence Cases.
Toml. Supp. Br. ..... Tomlin's Supplement to Brown's Parliamentary Cases.
Tot. (or Toth.) ..... Tothill's English Chancery Reports.
Touch. ..... Sheppard's Touchstone.
Town. St. Tr. ..... Townsend's Modern State Trials.
Tr. App. ..... New York Transcript Appeals.
Tr. Ch. ..... Transactions of the High Court of Chancery (Tothill's Reports).
Trace. & M. ..... Tracewell and Mitchell. U. S. Comptroller's Decisions.

Trans. App. ..... Transcript Appeals, New York.
Tread. ..... Treadway's South Carolina Constitutional Reports.
Tred. ..... Tredgold's Reports, Cape Colony.
Tri. Bish. ..... Trial of the Seven Bishops.
Tri. E. of Cov. ..... Trial of the Earl of Coventry.
Tripp ..... Dakota Reports, vols. 5–6.
Tristram ..... Tristram's Supplement to 4 Swabey & Tristram.
Tru. Railw. Rep. ..... Truman's American Railway Reports.
True. ..... Trueman's New Brunswick Reports and Equity Cases.
Tuck. ..... Tucker's New York Surrogate Reports;—Tucker's Select Cases, Newfoundland;—Tucker, vols. 156–175 Mass. Reports;—Tucker, District Columbia Appeal Reports.
Tuck. Sel. Cas. ..... Tucker's Select Cases, Newfoundland.
Tuck. Surr. ..... Tucker's Surrogate Reports, City of New York.
Tud. Cas. Merc. Law. .. Tudor's Leading Cases on Mercantile Law.
Tud. Cas. R. P. ..... Tudor's Leading Cases on Real Property.
Tupper ..... Tupper's Reports, Ontario Appeals;—Tupper's Upper Canada Practice Reports.
Tur. (or Turn. & Rus.) ..... Turner & Russell's English Chancery Reports.
Turn. ..... Turner, Kentucky Reports, vol. 99–101;—Turner, Arkansas Reports, vols. 35, 48.
Turn. & Ph. ..... Turner & Phillips' Reports, English Chancery.
Turn. & Russ. ..... Turner & Russell, English.
Tuttle ..... Tuttle's Reports (23–32 and 41–52 California).
Tuttle & Carpenter .. Tuttle & Carpenter's Reports (52 California).
Ty. ..... Tyler.
Tyl. (or Tyler) ..... Tyler's Vermont Reports.
Tyng. ..... Tyng's Reports (2–17 Massachusetts).
Tyr. (or Tyrw.) ..... Tyrwhitt & Granger's English Exchequer Reports.
Tyr. & Gr. ..... Tyrwhitt & Granger's English Exchequer Reports.

U

U. ..... Utah.
U. B. ..... Upper Bench.
U. B. Pr. ..... Upper Bench Precedents *temp.* Car. I.
U. C. ..... Upper Canada.

U. C. App......Upper Canada Appeals.
U. C. C. P......Upper Canada Common Pleas Reports.
U. C. Ch......Upper Canada Chancery Reports.
U. C. Cham......Upper Canada Chamber Reports.
U. C. E. & A......Upper Canada Error and Appeal Reports.
U. C. Jur......Upper Canada Jurist.
U. C. K. B......Upper Canada King's Bench Reports, Old Series.
U. C. O. S......Upper Canada King's Bench Reports, Old Series.
U. C. Pr. (or P. R.)..Upper Canada Practice Reports.
U. C. Q. B......Upper Canada Queen's Bench Reports.
U. C. Q. B. O. S. (or U. C. O. S.).....Upper Canada Queen's (King's) Bench Reports, Old Series.
U. C. R......Queen's Bench Reports (Ontario).
U. C. Rep......Upper Canada Reports.
U. K......United Kingdom.
U. S......United States;—United States Reports.
U. S. Ap. (or U. S. App.).....United States Appeal Reports.
U. S. C. C......United States Circuit Court;—United States Court of Claims.
U. S. Comp. St......United States Compiled Statutes.
U. S. Ct. Cl......Reports of the United States Court of Claims.
U. S. C. S......United States Civil Service Commission.
U. S. D. C......United States District Court;—United States District of Columbia.
U. S. R......United States Supreme Court Reports.
U. S. Reg......United States Register, Philadelphia.
U. S. R. S......United States Revised Statutes.
U. S. St. at L......United States Statutes at Large.
U. S. S. C. Rep......United States Supreme Court Reports.
U. S. S. C. Reptr......United States Supreme Court Reporter.
U. S. St. Tr......United States State Trials (Wharton's).
Ulm. L. Rec......Ulman's Law Record, New York.
Up. Ben. Pre......Upper Bench Precedents, *temp.* Car. I.
Up. Can......Upper Canada (see U. C.).

V

V......Vermont;—Victoria.
V. C. C......Vice-Chancellor's Court.
V. L. R......Victorian Law Reports, Australia. (For Victorian see Vict.)
V. N......Van Ness' Prize Cases.
V. R......Vermont Reports.

V. & B. ..... Vesey & Beams' English Chancery Reports.
V. & S. ..... Vernon & Scriven's Irish King's Bench Reports.
Va. ..... Virginia;—Virginia Reports;—Gilmer's Virginia Reports.
Va. Bar Assn. ..... Virginia State Bar Association.
Va. Cas. ..... Virginia Cases (by Brockenbrough & Holmes).
Va. Ch. Dec. ..... Chancery Decisions, Virginia.
Va. R. ..... Virginia Reports;—Gilmer's Virginia Reports.
Vanderstr. ..... Vanderstraaten's Ceylon Reports.
Van K. ..... Van Koughnet's Reports (15–21 Upper Canada C. P.).
Van. L. ..... Vander Linden's Practice, Cape Colony.
Van N ..... Van Ness' Prize Cases.
Vatt. ..... Vattell's Law of Nations.
Vaug. (or Vaugh.) .. Vaughn's English Common Pleas Reports.
Vaux ..... Vaux's Recorder's Decisions, Philadelphia.
Ve. (or Ves.) ..... Vesey's English Chancery Reports.
Ve. (or Ves.) & B. .... Vesey & Beames' English Chancery Reports.
Veazey ..... Veazey's Reports (36–46 Vermont).
Vent. ..... Ventris' English Common Pleas Reports.
Ver. (or Verm.) ..... Vermont Reports.
Vern. ..... Vernon's English Chancery Reports.
Vern. & Scr. (Scriv.) .. Vernon & Scriven's Irish King's Bench Reports.
Ves. ..... Vesey, English Chancery Reports.
Ves. Jr. ..... Vesey, Junior's English Chancery Reports.
Ves. Jun. Supp. ..... Supplement to Vesey, Jr.'s Reports, by Hovenden.
Ves. Sen. ..... Vesey Senior's Chancery Reports.
Ves. & Bea. ..... Vesey & Beames' English Chancery Reports.
Vez. ..... Vezey's (Vesey's) English Chancery Reports.
Vict. L. R. ..... Victorian Law Reports, Australia.
Vict. L. T. ..... Victorian Law Times, Melbourne.
Vict. Rep. ..... Victorian Reports.
Vict. Rev. ..... Victorian Review.
Vict. St. Tr. ..... Victorian State Trials.
Vilas ..... New York Criminal Reports.
Vil. & Br. ..... Vilas & Bryant's Edition of the Wisconsin Reports.
Vin. Abr. ..... Viner's Abridgment.
Virg. ..... Virginia (see Va.);—Virgin.
Virgin ..... Virgin's Reports (52–60 Maine)—Virginia (see Va.).
Viz. ..... Videlicet—(that is to say).
Vo. ..... Verbo.

Vr. ..... Vroom's New Jersey Reports.
Vroom (G. D. W.) ... G. D. W. Vroom, New Jersey Law Reports, vols. 86–63.
Vroom (P. D.) ..... P. D. Vroom, New Jersey Law Reports, vols. 30–35.
Vt. ..... Vermont;—Vermont Reports.

W

W. ..... King William;—Wheaton's United States Supreme Court Reports;—Wendell's New York Reports;—Watt's Reports, Pennsylvania;—Weekly;—Wisconsin;—Wyoming;—Wright's Ohio Reports.
W. A. ..... Western Australia.
W. Bl. ..... Sir William Blackstone's English King's Bench Reports.
W. C. C. ..... Washington's United States Circuit Court Reports.
W. H. Chron. ..... Westminster Hall Chronicle, London.
W. H. & G. ..... Welsby, Hurlstone & Gordon's English Exchequer Reports.
W. Jo. ..... Sir William Jones' English King's Bench Reports.
W. Kel. ..... William Kelynge's English Chancery Reports.
W. N. ..... Weekly Notes, London.
W. P. Cas. ..... Wollaston's English Bail Court (Practice) Cases.
W. R. ..... Weekly Reporter, London;—Weekly Reporter, Bengal;—Wendell's Reports;—Wisconsin Reports;—West's Reports (English Chancery).
W. Rep. ..... West's Reports *temp.* Hardwicke, English Chancery.
W. Rob. ..... W. Robinson's English Admiralty Reports.
W. T. R. ..... Weekly Transcript Reports, New York.
W. Ty. R. ..... Washington Territory Reports.
W. Va. ..... West Virginia Reports.
W. W. & A'B. Vict. .. Wyatt, Webb, & A'Beckett's Reports, Victoria.
W. W. & D. ..... Willmore, Wollaston & Davison.
W. W. & H. ..... Willmore, Wollaston, & Hodges' English Q. B. Reports.
W. & B. Dig. ..... Walker & Bates' Digest, Ohio.
W. & C. ..... Wilson & Courtenay's Scotch Appeal Cases (see Wilson & Shaw).

W. & L. Dig. . . . . . Wood & Long's Digest, Illinois.
W. & M. . . . . . Woodbury & Minot's United States Circuit Court Reports;—William & Mary.
W. & S. . . . . . Watts & Sergeant's Pennsylvania Reports;—Wilson & Shaw's Scotch Appeal Cases.
W. & S. App. . . . . . Wilson & Shaw's Scotch Appeals, English House of Lords.
W. & T. Eq. Ca. (or L. C.) . . . . . White & Tudor's Leading Cases in Equity.
W. & W. . . . . . White & Wilson. Texas Ct. App. Civil Cases.
W. & W. Vict. . . . . . Wyatt & Webb's Victorian Reports.
Wa. . . . . . Watt's Reports, Pennsylvania;—Wales.
Wait Dig. . . . . . Wait's Digest New York.
Wait St. Pap. . . . . . Wait's State Papers of the United States.
Wal. . . . . . Wallace (see Wall.).
Wal. by L. . . . . . Wallis' Irish Reports, by Lyne.
Walk. Ch. . . . . . Walker's Michigan Chancery Reports.
Walk. Mich. . . . . . Walker's Michigan Chancery Reports.
Walk. Miss. . . . . . Walker's Mississippi Reports.
Walker (or Walk.) . . Walker's Mississippi Reports;—Walker's Michigan Chancery Reports;—Walker's Reports (25, 72–88, Texas);—Walker, Texas Civil Appeals Reports, vols. 1–10;—Walker, Alabama Reports, vols. 96 and 109.
Wall. . . . . . Wallace's United States Supreme Court Reports;—Wallace (Senior), United States Circuit Court Reports;—(Wallace's) Philadelphia Reports;—Wallis' Irish Chancery Reports.
Wall. C. C. . . . . . Wallace's Reports, U. S. Circuit Court, 3d Circuit.
Wal. Jr. (or Wall. Jr.) . . . . . Wallace's (J. W.) United States Circuit Court Reports.
Wall. Rep. . . . . . Wallace on the Reporters;—Wallace's United States Supreme Court Reports.
Wall. S. C. . . . . . Wallace's United States Supreme Court Reports.
Wall. Sen. (or Wal. Sr.) . . . . . Wallace's (J. B.) United States Circuit Court Reports.
Wallis . . . . . Wallis' Irish Chancery Reports.
Wallis by L. . . . . . Wallis' Irish Chancery Reports, by Lyne.
Walsh . . . . . Walsh's Registry Cases, Ireland.
Ward. . . . . . Warden's Reports, Ohio;—Warden & Smith's Reports (Ohio).
Warden . . . . . Warden's Reports (2, 4 Ohio State).

Warden & Smith... Warden & Smith's Reports (8 Ohio State).
Ware ..... Ware's United States District Court Reports.
Warth Code ..... West Virginia Code, 1899.
Wash. ..... Washington;—Washington's United States Circuit Court Reports;—Washington's Virginia Reports;—Washburn's Reports (16–23 Vermont).
Wash. Ter. ..... Washington Territory Reports.
Wash. Ter. N. S..... Allen's Washington Territory Reports. New Series.
Wash. Va. ..... Washington's Virginia Reports.
Washburn ..... Washburn's Reports (16–23 Vermont).
Wash. & Haz. P. E. I. ..... Washburton & Hazard's Reports, Prince Edward Island.
Wat. ..... Watkins;—Watson.
Wat. Cr. Dig..... Waterman's Criminal Digest U. S.
Wat. C. G. H..... Watermeyer's Cape of Good Hope Reports.
Watermeyer ..... Watermeyer's Cape of Good Hope Reports.
Watts ..... Watts' Penn. Reports;—Watts' Reports (16–24 West Virginia).
Watts & Serg..... Watts & Sergeant's Pennsylvania Reports.
Web. Pat. Cas..... Webster's Patent Cases.
Web. Tr. ..... The Trial of Professor Webster for Murder.
Webb ..... Webb's Reports (6–20 Kansas);—Texas Civil Appeals, vols. 11–20.
Webb, A'B. & W.... Webb, A'Beckett, & Williams' Victorian Reports, Australia.
Webb, A'B. & W. Eq. ..... Webb, A'Beckett, & Williams' Equity Reports, Victoria.
Webb, A'B. & W. L. P. & M..... Webb, A'Beckett, & Williams' Insolvency, Probate, and Matrimonial Reports, Victoria.
Webb. A'B. & W. Min. ..... Webb, A'Beckett, & Williams' Mining Cases, Victoria.
Webb & Duval..... Webb & Duval's Reports (1–3 Texas).
Webs. ..... Webster.
Week. Reptr. ..... Weekly Reporter, London;—Weekly Reporter, Bengal.
Week. Trans. Repts.. Weekly Transcript Reports, New York.
Weight. Med. Leg. Gaz. ..... Weightman's Medico-Legal Gazette, London.
Wel. ..... Welsh's Irish Registry Cases.
Welsb., H. & G..... Welsby, Hurlstone, & Gordon, English Exchequer Reports.

Welsh ..... Welsh's Registry Cases, Ireland;—Welsh's Irish Cases at Sligo;—Welsh's (Irish) Case of James Feighny, 1838.
Welsh Reg. Cas. .... Welsh's Irish Registry Cases.
Wend. ..... Wendell's New York Reports.
Wenz. ..... Wenzell, Minnesota Reports, vols. 60–78.
West ..... West's Reports, English House of Lords;—West's Reports, English Chancery;—Western Tithe Cases;—Weston's Reports (11–14 Vermont).
West. Aus. ..... Western Australia.
West Co. Rep. ..... West Coast Reporter.
West Ch. ..... West's English Chancery Cases.
West t. H. ..... West's English Chancery Reports *temp.* Hardwicke.
West H. L. ..... West's Reports, English House of Lords.
Westlake Int. Private Law ..... Westlake's Private International Law.
West Va. ..... West Virginia;—West Virginia Reports.
Westm. Rev. ..... Westminster Review.
Weston ..... Weston's Reports (11–14 Vermont).
Weth. ..... Wethey's Reports, Canada.
Wh. ..... Wheaton's United States Supreme Court Reports;—Wharton's Pennsylvania Reports;—Wheeler's New York Criminal Reports.
Wh. Cr. Cas. ..... Wheeler's New York Criminal Cases.
Wh. & T. L. C. ..... White & Tudor's Leading Cases in Equity.
Whar. ..... Wharton's Pennsylvania Reports.
Whar. Dig. ..... Wharton's Digest, Pennsylvania.
Whar. St. Tr. ..... Wharton's United States State Trials.
Whart. ..... Wharton.
Wheat. ..... Wheaton's United States Supreme Court Reports.
Wheel. ..... Wheeler's New York Criminal Cases;—Wheelock's Reports (32–37 Texas).
Wheel. Br. Cas. ..... Wheeling Bridge Case.
Wheel. Cr. C. ..... Wheeler's New York Criminal Cases.
Wheel. Cr. Rec. ..... Wheeler's Criminal Recorder, New York (1 Wheeler's Criminal Cases).
Whit. Pat. Cas. .... Whitman's Patent Cases, United States.
White ..... White, West Virginia Reports, vols. 10–15;—White, Texas Court of Appeals Reports, vols. 30–40;—White, Scotch Justiciary Reports.
White & T. L. Cas. .. White & Tudor's Leading Cases in Equity.
White & W. ..... White & Willson, Texas Civil Appeals, vol. 142.
Whitm. Lib. Cas. .... Whitman's Massachusetts Libel Cases.

Whitm. Pat. Cas. ... Whitman's Patent Cases.
Whitm. Pat. Law Rev. ... Whitman's Patent Law Review, Washington, D. C.
Whitney ... Land Laws, Tennessee.
Whitt. ... Whittlesey, Missouri Reports, vols. 31–41.
Whitt. Co. ... Whittaker's Codes, Ohio.
Wight El. Cas. ... Wight's Election Cases (Scotch).
Wight. (or Wightw.) ... Wightwick's English Exchequer Reports.
Wil. ... Williams (see Will.);—Wilson (see Wils.).
Wilcox ... Wilcox's Reports (10 Ohio);—Wilcox, Pennsylvania.
Wilcox Cond. ... Wilcox, Condensed Ohio Reports.
Wilk. ... Wilkinson, Texas Court of Appeals and Civil Appeals;—Wilkinson's Reports, Australia.
Wilk. & Ow. (or Wilk. & Pat.; or Wilk. & Mur.) ... Wilkinson, Owen, Patterson & Murray's New South Wales Reports.
Will. ... Willes English Common Pleas Reports;—Willson's Texas Appeals, vols. 29–30, also Texas Civil Appeals, vols. 1 and 2;—(see also Williams).
Will. Ann. Reg. ... Williams' Annual Register, New York.
Will.-Bund St. Tr. ... Willis-Bund's Cases from State Trials.
Will. Mass. ... Williams' Reports (1 Massachusetts).
Will. P. ... Peere Williams' English Chancery Reports.
Will. Saund. ... Williams' Notes to Saunders' Reports.
Will., Woll. & Dav. ... Willmore, Wollaston & Davison's English Q. B. Reports.
Will., Woll. & Hodg. ... Willmore, Wollaston & Hodges, English Q. B. Reports.
Will. Vt. ... Williams' Reports (27–29 Vermont).
Willes ... Willes' English Common Pleas Reports.
Williams ... Williams' (Peere) English Chancery Reports;—Williams' Reports (27–29 Vermont);—Williams' Reports (1 Mass.);—Williams, Utah Reports, vols. 10–12.
Williams P. ... Peere Williams' English Chancery Reports.
Willm., W. & D. ... Willmore, Wollaston & Davison's English Q. B. Reports.
Willm. W. & H. ... Willmore, Wollaston & Hodges' English Q. B. Reports.
Willson ... Willson's Texas Court of Appeals, vols. 29–30, also Tex. Ct. App. Civil Cases.
Wilm. ... Wilmot's Notes of Opinions, English King's Bench.

Wilm. Op. (or Judg.)..Wilmot's Notes of Opinions.
Wils. .....Wilson's English Common Pleas Reports.
Wils. Ch. .....Wilson's English Chancery Reports.
Wils. Ent. .....Wilson's Entries and Pleadings (same as 3 Lord Raymond).
Wils. Exch. .....Wilson's English Exchequer Reports.
Wils. (Ind.) .....Wilson's Indiana Superior Court Reports.
Wils. K. B......Sergeant Wilson's English King's Bench Reports.
Wils. & Court.....Wilson & Courtenay's Scotch Appeals Cases (see Wilson & Shaw).
Wils. & Sh......Wilson & Shaw's Scotch Appeals Cases (Shaw, Wilson & Courtenay).
Wilson .....Wilson's English Common Pleas Reports;—Wilson's English Chancery Reports;—Wilson's English Exchequer Equity Reports;—Wilson's Indiana Superior Court Reports;—Wilson's Reports (1, 3 Oregon);—Wilson, vols. 48–59, Minnesota.
Win. .....Winston's Law Reports, North Carolina;—Winch's English Common Pleas Reports.
Win. Eq. .....Winston's Equity Reports, North Carolina.
Winch .....Winch's English Common Pleas Reports.
Wins. Eq. .....Winston's Equity Reports, North Carolina.
Winst. (or Winst. Eq.) .....Winston's Law or Equity Reports, North Carolina.
Wis. .....Wisconsin;—Wisconsin Reports.
Wis. Bar Assn......Wisconsin State Bar Association.
Wis. Leg. N......Wisconsin Legal News, Milwaukee.
With. Corp. Cas......Withrow's American Corporation Cases.
Withrow .....Withrow's Reports (9–21 Iowa).
Wm. Bl. .....William Blackstone's English King's Bench Reports.
Wm. Rob. .....William Robinson's English Admiralty Reports.
Wms. .....Williams (see Will.).
Wms. Ann. Reg......Williams' Annual Register, New York.
Wms. Mass. .....Williams' Report (1 Massachusetts).
Wms. Notes .....Williams' Notes to Saunders' Reports.
Wms. Peere .....Peere Williams' English Chancery Reports.
Wms. Saund. .....Williams' Notes to Saunders' Reports.
Wms. Vt. .....Williams' Reports (27–29 Vermont).
Wol. .....Wollaston's English Bail Court Reports;—Wolcott, Delaware Chancery Reports, vol. 7.
Wolf. & B......Wolferstan & Bristow's English Election Cases.
Wolf. & D......Wolferstan & Dew, English.

Woll. (or Wool. P. C.) ..... Wollaston's English Bail Court Reports (Practice Cases).

Wood ..... Wood's United States Circuit Court Reports; —Wood's English Tithe Cases.

Wood Deer. ..... Wood's (Decrees in) Tithe Cases.

Wood H. ..... Hutton's Wood's Decrees in Tithe Cases.

Wood Ti. Cas. ..... Wood's Tithe Cases.

Wood. & M. (or Woodb. & M.) ..... Woodbury & Minot's United States Circuit Court Reports.

Woodf. Cel. Tr. ..... Woodfall's Celebrated Trials.

Woodm. Cr. Cas. ..... Woodman's Reports of Thatcher's Criminal Cases, Massachusetts.

Woods (or Wood's C. C.) ..... Wood's United States Circuit Court Reports.

Woodw. Dec. Pa. ..... Woodward's Common Pleas Decisions, Pennsylvania.

Wool. ..... Woolworth's United States Circuit Court Reports;—Woolrych.

Wool. C. C. ..... Woolworth's Reports, U. S. Circuit Courts, 8th Circuit (Fuller's Opinions).

Woolw. ..... Woolworth's United States Circuit Court Reports;—Woolworth's Reports (1 Nebraska).

Words. Elect. Cas. ..... Wordsworth Election Cases.

Wr. ..... Wright (see Wright).

Wr. (or Wr. Pa.) ..... Wright's Reports, Pennsylvania State Reports, vols. 37–50.

Wr. Ch. (or Wr. Ohio) ..... Wright's Reports, Ohio.

Wright (or Wri.) ..... Wright's Reports (37–50 Pennsylvania State); —Wright's Ohio Report.

Wright N. P. ..... Wright's Nisi Prius Reports, Ohio.

Wy. ..... Wyoming; — Wyoming Reports; — Wythe's Virginia Chancery Reports.

Wy. Dic. ..... Wyatt's Dickens' Chancery Reports.

Wyatt, W. & A'B. ..... Wyatt, Webb & A'Beckett's Reports, Victoria.

Wyatt, W. & A'B. Eq. ..... Wyatt, Webb & A'Beckett's Equity Reports, Victoria.

Wyatt, W. & A'B. I. P. & M. ..... Wyatt, Webb & A'Beckett's Insolvency, Probate and Matrimonial Reports, Victoria.

Wyatt, W. & A'B. Min. ..... Wyatt, Webb & A'Beckett's Mining Cases, Victoria.

Wyatt & Webb. ..... Wyatt & Webb's Reports, Victoria.

Wyatt & W. Eq. ..... Wyatt & Webb's Equity Reports, Victoria.

Wyatt & W. L. P. & M. ..... Wyatt & Webb's Insolvency, Probate, and Matrimonial Reports, Victoria.
Wyatt & W. Min. ... Wyatt & Webb's Mining Cases, Victoria.
Wyman ..... Wyman's Reports, India.
Wynne Bov. ..... Wynne's Bovill's Patent Cases.
Wyo. T. ..... Wyoming Territory.
Wythe ..... Wythe's Virginia Chancery Reports.

Y

Y. ..... Yeates' Pennsylvania Reports.
Y. B. ..... Year Book, English King's Bench, etc.
Y. B. Ed. I. ..... Year Books of Edward I.
Y. B. S. C. ..... Year Books, Selected Cases, 1.
Y. & C. ..... Younge & Collyer's English Chancery Reports and Exchequer.
Y. & J. ..... Younge & Jervis' English Exchequer Reports.
Y. L. R. ..... York Legal Record.
Yates Sel. Cas. ..... Yates' New York Select Cases.
Yea. (or Yeates) .... Yeates' Pennsylvania Reports.
Yelv. ..... Yelverton, English.
Yerg. ..... Yerger's Tennessee Reports.
Yo. ..... Young (see You.).
York Ass. ..... Clayton's Reports (York Assizes).
York Leg. Rec. ..... York Legal Record.
You. ..... Younge's English Exchequer Equity Reports.
You. & Coll. Ch. ..... Younge & Collyer's English Chancery Reports.
You. & Coll. Ex. ..... Younge & Collyer's English Exchequer Equity Reports.
You. & Jerv. ..... Younge & Jervis' English Exchequer Reports.
Young ..... Young, Minnesota Reports, vols. 31–47.
Young Adm. ..... Young's Nova Scotia Admiralty Cases.
Young M. L. Cas. ..... Young's Maritime Law Cases.
Younge ..... Younge's English Exchequer Equity Reports.
Younge & Coll. Ch. .. Younge & Collyer's English Chancery Cases.
Younge & Coll. Ex. .. Younge & Collyer's English Exchequer Equity Reports.
Younge & J. ..... Younge & Jervis, English.
Young Adm. Dec. .... Young's Admiralty Sessions.
Yuk. ..... Yukon Territory.

Z

Zab. ..... Zabriskie's New Jersey Reports.
Zane ..... Utah Reports, vols. 4–9.
Zinn Ca. Tr. ..... Zinn's Select Cases in the Law of Trusts.

INDEX.

[THE FIGURES REFER TO PAGES.]

A

ABBREVIATIONS,
used in citing reports and text books, see Appendix.

ALABAMA,
reports of, 143.

ALASKA,
reports of, 143.

AMERICAN LAW,
bibliography of, 119 et seq.

APPEAL AND ERROR,
method of review at law, 10.
method of review in equity, 10.

ARGUMENT,
brief of, 17.
statement of errors, 18.
errors in instructions, 19.
method of incorporating in brief, 30.
arrangement of points, 30.

ARIZONA,
reports of, 144.

ARKANSAS,
reports of, 144.

ASSIGNMENT OF ERRORS,
necessity of, 10, 11, note.
only those specified will be considered, 11.
lack of jurisdiction, 13.
errors considered abandoned, 12.
statement of, in argument, 18.
method of incorporating in brief, 30.

AUTHORITIES,
defined, 68.
distinguished as primary and secondary, 68.
persuasive, 68.

[The figures refer to pages.]

AUTHORITIES—Cont'd.
steps in the use of, 68.
study of case, 68.
determining classification, 69.
selection of, 34.
presentation of, 36.
citation of, 18, 31, 37, 142.
abbreviations used in citation, see Appendix.
books of primary authority defined, 121.
books of secondary authority defined, 122.

B

BRIEF ON APPEAL,
defined, 5.
nature of, 5.
not in use in England, 6.
purpose of, 6.
necessity for, 7.
optional in North Carolina, 7, note.
contents, 8
under rules Appellate Division, New York, 8, note.
under United States Supreme Court Rule 21, 9.
contents, 8.
preliminary statement, 8.
statement of case, 9.
specification of errors, 10.
under United States Supreme Court Rule 21, 11, note.
in admission or rejection of evidence, 15.
under United States Supreme Court Rule 21, 16.
in instructions, 17.
statement of in argument, 18.
preparation of, 23, 26.
preliminary study of case, 23, 68, 178.
opinion of Judge Dillon, 24.
theory of case, 25.
how to find the law, 174.
practical hints on the proper way to look up the law, 326.
arrangement of under United States Supreme Court Rule No. 21, 26.
statement of case, 26.
specification of errors, 30.
points and argument, 30.
statement of facts, 28.
essentials of, 28.
must be fair and accurate, 28.
accuracy, 29.

[The figures refer to pages.]

BRIEF ON APPEAL—Cont'd.
clearness, 29.
conciseness, 29.
argument, 17.
arrangement of points, 30.
opposing methods distinguished, 32.
use of decisions and statutes, 32.
selection of authorities, 34.
direct authorities, 35.
law of the jurisdiction, 35.
authorities from other jurisdictions, 36.
authorities should be traced down to date, 36.
statement of constitutional or statutory provisions, 34.
presentation of authorities, 36.
opposing authorities, 36.
citation of authorities, 19, 31, 37.
use of text books, 37.
scandalous and irrelevant matter, 21.
typography, 37.
sample of brief, 39.

C

CALIFORNIA,
reports of, 144.

CLASSIFICATION OF LAW,
determining classification as essential step in preparation of brief, 69.
general theory, 176 et seq.
main heads of the law categorically arranged, 183 et seq.
main heads of the law alphabetically arranged, 190 et seq.
main heads of the law defined, 195 et seq.

CODES,
as a compilation of statutes, 126.

COLORADO,
reports of, 144.

CONNECTICUT,
reports of, 144.

CONSTITUTION,
provisions of to be considered in preparing brief, 34.
as primary source of the law, 72.
of the United States, bibliography, 122.
commentaries on, 123.
of various states, bibliography, 123.
construction of, see "Statutes."

[The figures refer to pages.]

CONSTRUCTION,
of statutes, constitutions and ordinances, see "Statutes."

COURTS,
function of, in relation to decisions, 75.
authority to pass on hypothetical questions, 80.
authority to answer questions propounded by executive or legislative departments, 81.
jurisdiction of as affecting weight of decision, 99.
weight of decisions of foreign courts, 101.
rules of, 128.
jurisdiction, text books relating to, 129.

D

DAKOTA,
reports of, 145.

DELAWARE,
reports of, 145.

DIGESTS,
as books of secondary authority, 164.
bibliography of, 166.
use of, 174, 826.
classification of the law, 176 et seq.

DISTRICT OF COLUMBIA,
reports of, 145.

E

ENCYCLOPAEDIAS,
as books of secondary authority, 163.
bibliography of, 163.

EQUITY,
method of review in, 10.

ENGLISH REPORTS,
as authorities, 101, 175.
abbreviations used in citing, see Appendix.

ENGLISH STATUTES,
to what extent in force in United States, 117.

EVIDENCE,
error in admission or rejection of, 16.

[The figures refer to pages.]

F

FEDERAL COURTS,
reports of, 33, 132, 134.

FLORIDA,
reports of, 145.

G

GEORGIA,
reports of, 146.

H

HAWAII,
reports of, 146.

I

IDAHO,
reports of, 146.

ILLINOIS,
reports of, 146.

INDIANA,
reports of, 146.

INDIAN TERRITORY,
reports of, 147.

INSTRUCTIONS,
specification of errors in, 17.
statement of error in argument, 19.

IOWA,
reports of, 147.

J

JUDICIAL DECISIONS,
use of, 32, 66 et seq.
as precedents, 130.
value of as authority, 175.
relative value of, 35.
necessity of tracing judicial history of cases, 176.
presentation of authorities, 86.
methods of citing cases, 87.

[The figures refer to pages.]

JUDICIAL DECISIONS—Cont'd.
study of, 70, 90.
caution against hypercriticism, 102.
cases not directly in point useful by way of analogy, 106.
difference between decisions and statutes, 71, 104.
as primary source of law, 72.
decision and opinion distinguished, 74, 78.
parts of reported case, 74.
syllabus, 75.
opinion, 75.
decision, 75.
function of court, 75.
weight of decisions, 75.
as affected by circumstances, 92.
necessity of noticing circumstances, 92.
affecting thoroughness of consideration, 93.
defective reports, 94.
defective syllabus, 95.
inaccurate statement of facts, 95.
later authorities in same jurisdiction, 96.
overruling cases, 96.
distinguishing cases, 98.
relating to the jurisdiction of the court, 99.
commission or temporary court, 100.
decision of federal court on matters of state law, 100.
decision of state court on federal question, 100.
intermediate appellate courts, 100.
decisions of foreign courts, 101.
decision based on general principle, 76.
doctrine of stare decisis, 77.
doctrine of the case, 78.
opinion as authority, 79.
hypothetical cases, 80.
dicta, 82.
unnecessarily broad language, 83.
two grounds for same decision, 84.
opposite holdings at same stage of case, 85.
discordant opinions agreeing in result, 86.
several errors claimed and none found, 86.
opinion ignoring point, 87.
no opinion, 88.
value of reporter's syllabus, 88.
extracting doctrine of decision, 90.
necessity of bearing in mind purpose of the law, 118.
reports of in general, 129.
methods of reporting, 130.
method of looking up the law, 174.

[The figures refer to pages.]

JURISDICTION,
as affecting weight of decisions, 99.
text books relating to, 129.

K

KANSAS,
reports of, 147.

KENTUCKY,
reports of, 147.

L

LAW DICTIONARIES,
as books of secondary authority, 164.

LOUISIANA,
reports of, 148.

M

MAINE,
reports of, 148.

MARYLAND,
reports of, 148.

MASSACHUSETTS,
reports of, 149.

MICHIGAN,
reports of, 149.

MINNESOTA,
reports of, 149.

MISSISSIPPI,
reports of, 149.

MISSOURI,
reports of, 150.

MONTANA,
reports of, 150.

N

NEBRASKA,
reports of, 150.

[The figures refer to pages.]

NEVADA,
reports of, 150.

NEW HAMPSHIRE,
reports of, 150.

NEW JERSEY,
reports of, 151.

NEW MEXICO,
reports of, 151.

NEW YORK,
reports of, 152.

NORTH CAROLINA,
reports of, 155.

NORTH DAKOTA,
reports of, 155.

O

OBITER DICTA,
defined, 82.
weight of, 82.
embodied in syllabus, 88.

OHIO,
reports of, 155.

OKLAHOMA,
reports of, 156.

OPINION,
distinguished from decision, 74, 78.
authority of, 79.
discordant opinions, 86.

ORDINANCES,
as primary source of the law, 72.
construction of, see "Statutes."

OREGON,
reports of, 156.

P

PENNSYLVANIA,
reports of, 156.

[The figures refer to pages.]

PRECEDENT,
decision as precedent, 76, 180.
under the civil law, 77.

R

RHODE ISLAND,
reports of, 156.

RULES OF COURT,
rule 9, Appellate Division, Third Department, New York, 8, note.
rule 10, Appellate Division, Fourth Department, New York, 8, note.
United States Supreme Court Rule 21, 9, 11, note, 16, 26, 39.
bibliography of, 128.

S

SOUTH CAROLINA,
reports of, 156.

SOUTH DAKOTA,
reports of, 157.

STARE DECISIS,
doctrine of, 77, 96.

STATEMENT OF FACTS,
essentials of, 28.
must be fair, 28.
accuracy, 28.
clearness, 29.
conciseness, 29.

STATE REPORTS,
number of volumes, 83.
official reports, 136.
unofficial reports, 136.
National Reporter System, 137.
annotated reports, 140.
method of citation, 142.
bibliography of, 143 et seq.
abbreviations, see Appendix.

STATUTES,
use of in preparing brief, 34.
distinction between statutes and decisions, 71.
as primary source of the law. 72.

[The figures refer to pages.]

STATUTES—Cont'd.
parts of statute, 105.
where statutes are found, 106.
construed differently from decisions, 104.
general rules of construction, 104.
construction and interpretation synonymous, 107.
non-technical rules of construction, 107.
technical rules of construction, 107.
construction of technical words, 108.
rules of construction applicable to all writings, 108.
words changed in meaning, 108.
all words must be given effect, 109.
clerical errors ignored, 109.
grammatical and rhetorical inaccuracies, 109.
words construed in connection with context, 109.
words to be construed so as to make sense, 109.
words to be construed so as to carry out general purpose of statute, 109.
construction to avoid unconstitutionality, 110.
construction to avoid retrospective effect, 110.
penal statutes to be construed strictly, 110.
punctuation, 110.
rules of construction especially applicable to written law, 110.
construction in the light of pre-existing law, 111.
construction of a series of statutes, 111.
remedial statutes to be construed liberally, 111.
construction with regard to legislative intent, 112.
circumstances strengthening or weakening preliminary conclusions as to effect of statute. 114.
mode of ascertaining precise terms of statute, 114.
necessity of going beyond rules of construction, 114.
prior judicial construction, 115.
validity of statute, 115.
subsequent legislation, 115.
amendment of statute, 115.
express repeal, 115.
repeal by implication, 115.
statute copied from another jurisdiction, 116.
construction by persons to whom applicable, 117.
statute adopted by a number of states, 117.
necessity for bearing in mind purpose of law, 118.
rules applicable to constitutions and ordinances, 117.
English statutes, 117.
bibliography of, 124.
compilations, 125.
revisions, 125.
session laws, 125.

[The figures refer to pages.]

STATUTES—Cont'd.
Codes, 126.
United States statutes, bibliography of, 126.
ordinances, government orders and regulations, 128.

STUDY OF CASE,
necessity of, 23, 68, 173.
opinion of Judge Dillon, 24.
theory of case, 25.

SYLLABUS,
defined, 75.
value of as part of opinion, 88.

T

TENNESSEE,
reports of, 158.

TEXAS,
reports of, 158.

TEXT BOOKS,
use of in preparation of brief, 87.
as books of secondary authority, 161.
value of as authority, 175.

TREATIES,
bibliography of, 123.
commentaries on, 124.

TYPOGRAPHY,
as an important feature of the brief, 87.

U

UNITED STATES.
bibliography of the reports of the Supreme Court, 88, 132.
bibliography of the reports of the federal courts, 134.

UTAH,
reports of, 158.

V

VERMONT,
reports of, 159.

VIRGINIA,
reports of, 159.

[The figures refer to pages.]

W

WASHINGTON,
reports of, 160.

WEST VIRGINIA,
reports of, 160.

WISCONSIN,
reports of, 160.

WRIT OF ERROR,
as method of review, 10.

WYOMING,
reports of, 160.

WEST PUBLISHING CO., PRINTERS AND STEREOTYPERS, ST. PAUL, MINN.

AJ ABT WAs
Brief making and the use of la
Stanford Law Library
3 6105 044 020 779

